THE

PRESENT AND FUTURE

OF

INDIA

UNDER BRITISH RULE

BY

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"There is one great question to which we should look in all our arrangements—what is to be their final results on the character of the people? Is it to be raised or is it to be lowered? Are we to be satisfied with merely securing our power and protecting the inhabitants, leaving them to sink gradually in character lower than at present, or are we to endeavour to raise their character, and to render them worthy of filling higher situations in the management of their country, and of devising plans for its improvement? It [illegible], undoubtedly, to be our aim to [illegible] the minds of the natives, and to take care that whenever our connexion with India might cease, it did not appear that the only fruit of our dominion there had been to leave the people more abject and less able to govern themselves than we found them."—*Sir Thomas Munro.*

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INTRODUCTION.

The writer, or rather compiler, of this pamphlet, can claim credit for little more than a somewhat laborious diligence in searching for materials, and an honest determination to use them, when found, for the simple elucidation of the truth. There are, he conceives, two fatal errors on the subject of India, into which the people of this country are at this moment in danger of falling. The one is to conclude that when some change has been effected in the administrative machinery at home, all that is necessary for the well-being and prosperity of that country has been accomplished, and so subside back again into that culpable apathy in which they have been so long content to dwell, in regard to this great question, and from which they were so suddenly and so terribly awakened, nine or ten months ago. Nothing is more to be deprecated than this. Far better have no India Bill at all, than have the very best that human wit can devise, if its effect should be to lap the British public in a false dream of security, as though by passing such a measure they had acquitted themselves of all responsibility, and done all that need be done for the good government of India. In point of fact, we shall have done nothing, except, at most, prepare a better means for effecting those great reforms so urgently demanded, *in India itself*, and which never can or will be effected, if the public vigilance at home is relaxed.

The other danger to which we are exposed is, that we should allow ourselves to be persuaded by those who are drawing *couleur de rose* pictures of the state of things in India. It might have been supposed that the appalling outbreak we have just witnessed would have sufficed to convince the most incredulous, that there was "something rotten in the state" of our Indian Empire. But elaborate efforts are made to allay all suspicion of that kind, and to preclude all inquiry, by confident assertions of the perfect justice, wisdom, and beneficence of our rule in the East. The draughts made upon our credulity by this class of persons are prodigious. These are some of the things we are expected to believe :—That though we have in the space of a century, acquired in India, by conquest and annexation, a territory as large as the whole of Europe excepting the Russian dominions, this has been done without any violation of the principles of right, or at least with only such slight venial errors, in some of the early stages of our course

there, as are completely lost in the blaze of glory with which we have enveloped our character, by our virtues and achievements.—That the people of India, so far from resenting this usurpation of their possessions and rights by a nation who are aliens from them in race, language, and religion, in fact like it very much, and are penetrated with profound gratitude to us for taking the cares of government off their hands, and possessing ourselves of all offices of trust, emolument, and dignity throughout the land, to the permanent exclusion of them and their children.—That, nevertheless, it is necessary to inflict the most severe and sanguinary vengeance upon the natives, in order to establish "the *prestige* of the British name," and to deter them from any attempt to throw off that foreign yoke under which they live in such universal happiness and contentment.—That the recent revolt, though in no respect whatever connected with military grievances, but with such as were religious and national, was, for all that, a purely military mutiny, in which the inhabitants generally took no share, and with which they did not at all sympathize.—That the alarm felt by the sepoys of a design intended against their religion, by the distribution among them of the unclean cartridges, was either a pretext or, if sincere, was utterly undeserving of toleration or respect from enlightened Christians, seeing that their scruples rested upon religious notions that are false and ridiculous; and it is absurd to suppose that Hindoos and Mohammedans have any rights of conscience which *we* are bound to regard.—That, so far from there being anything seriously wrong in our administration of affairs in that country to account for the late convulsion, "the Government of India has been not only one of the purest in intention, but one of the most beneficent in act, ever known among mankind."*

No doubt such self-flatteries, which are now plentifully uttered by men skilled in preparing "sweet, sweet poison for the age's tooth," are more pleasant than the stern and unpalatable truth. But the writer of this pamphlet believes that these assumptions are untrue, and that those who are content to act as if they were true, are trying to build our dominions in India on falsehood and rottenness. Feeling convinced that that is not a safe foundation on which to build, he has endeavoured, in the following pages, to do what little lay in his power to save his countrymen from committing so fatal a mistake.

* Petition of the East India Company.

THE

CONDITION OF INDIA UNDER BRITISH RULE.

"THE English rule, with all its short-comings, has been an infinite blessing to India. The country is more prosperous, and the people better protected and happier, than under their native princes; and the recent outbreak is in no respect whatever the result of oppression, injustice, or mal-government on the part of the British authorities."—Such and such like are the phrases which we find constantly on the lips of men in these days. Are they true? Well, true or not, it is impossible not to feel that nine in ten of those who use them rest their assertions, not upon any definite acquaintance with facts, but upon mere assumption and hearsay. Of the thousands who are now repeating, with unhesitating confidence, such expressions as the above, how few are there who know anything distinct or accurate as to the actual condition of the 150 millions of human souls, over whom we assume the right to exercise sway? And fewer still are those who have any clear conception whatever of the state of India prior to British occupation. If nothing more were involved in this ignorant and dogged opinionativeness than individual error, it might be left without correction; for it is not a very pleasant thing to expose a popular delusion which at once soothes the conscience and flatters the vanity of those who hold it. But as it is wholly impossible, either to understand the present terrible calamity that has come upon us in India, or to make any wise practical provision for the future, if, wrapping ourselves in a dream of self-adulation, we are content to repeat, parrot-like, certain smooth phrases without knowledge or reflection, we propose to lay before our readers a number of facts, derived from unquestionable authority, which they will find, we think, to harmonize ill with the complacent assumptions to which we have referred.

"The only plea of extenuation, [for our usurpations in India,] that I have ever heard even attempted," says Mr. Robberds of Liverpool, in his admirable sermon on the Fast-day, "is, that the natives, after all, have been less badly governed than they would have been by their own rulers. Even if this plea can be substantiated, it is a poor boast for a powerful, enlightened, civilized, Christian people, that they have effected, possibly, some little improvement in the condition of a vast continent, their unprincipled seizure of which they were at least bound to atone for by a wise and noble rule. But can even this miserable plea be sustained?"*

* "The question is not whether the Government of India was better than in the former times of bloody-minded tyrants and ferocious conquerors, but whether we as a Christian people had done all that we might and ought to have done; whether we acted as unselfishly as we ought to have acted; whether we gave to the nations the full benefit of Christian example, and whether we set before them a pattern of moderation and truth and justice and mercy . . . . . I feel bound to say our conduct has been, in many respects, the reverse of the conduct which a Christian people ought to feel pride in pursuing. I am bound to admit that for the last twenty-five years during which I myself have taken part in public affairs, I have observed grievous instances of policy in respect of our Indian Empire, —measures undertaken without a shade of justice, and a perfect scandal to English history; and no page of that history has fouler blots upon it than that which refers to our Eastern policy."—*Mr. Gladstone's Speech at Chester, October 12th,* 1857.

Let us first premise that we have not the least inclination to deny or undervalue whatever good has been actually accomplished by our means in India. We gladly acknowledge that the Indian Government is entitled to praise for having abolished slavery and the Suttee, and checked infanticide, thuggism, and the once-prevalent practice of self-immolation. Considerable progress has also been made for the last few years, in improving roads and tanks, and works of irrigation. But in how tardy and utterly inadequate a manner this has been done, up to within a very recent period, may be inferred from the astounding admission of Mr. Ross Mangles, the present Chairman of the East India Company, before the Cotton Committee of 1848, to the effect, that while they had derived during the preceding fourteen years a revenue of £300,000,000 from India, the entire sum spent during the same period on "roads and works of irrigation, and other public works," amounted only to about £1,400,000! We need not say that we regard the exertions of the missionary body in India as having been most praiseworthy, and to a great extent beneficial, if not in making a large number of genuine Christian converts, at least in loosening the hold of the ancient superstitions of the country upon thousands of minds, and thereby preparing them for the reception hereafter of a purer faith. But we have the strongest possible conviction, that the presence of the British power in India, so far from having aided the missionary work, has in many ways greatly obstructed and retarded it.

But let it be remembered that the allegation we have undertaken to dispute is, not that *some* good has resulted from British occupation of India, but that our rule there has been on the whole (as so many good people quiet their consciences by asserting) "a great blessing to the people of India."

Is this so as a matter-of-fact? We shall best answer the question by descending to particulars, and inquiring what *class* of the population of India has profited by our presence or is grateful for our rule? We gladly admit that there is a small mercantile and artizan class, residing principally in the capitals of the great Presidencies, who have prospered greatly by means of English commerce and enterprise. "There are districts," says Mr. Theobald, "contiguous to our great outport, reached by its ever-increasing demand, and where, consequently, increased production must have brought great comparative content to their population."* These, however, form but an infinitesimal portion of the 150,000,000 of people, who are brought, more or less, under British sway in India. And our position is that, with small exceptions in certain limited localities, it is very doubtful whether the whole of this vast population, of every class, has not been reduced to a more degraded and miserable condition than they occupied before we took possession of India.

I.—Look at the Position of the Native Princes.

It is estimated that since our occupation of India we have deposed and disinherited at least 200 native princes. And this has been done in many instances without any ground, and hardly any pretext, but our own cupidity or convenience. We have systematically pursued a

practice of intermeddling, which has reduced the ruling powers into the condition of mere puppets in their own dominions, and have then employed the confusion consequent on such a state of things, as the reason for their dethronement and deposition. The Indian Government appoints political agents, called Residents, who take up their abode at the courts of the royal victims, and by degrees so completely usurp all authority as to leave the prince over whom they domineer no power to do or to order anything without their consent. He cannot move in any direction, whether of foreign alliance or internal reform, without being checkmated, and hectored and harried by this arrogant and officious busybody. Lord William Bentinck describes this official as "more than king," as "clothed with a degree of state equal to that of royalty itself," as "acting the part rather of a schoolmaster and dictator than of the minister of a friendly power," and as exercising a jurisdiction "which is totally incompatible with the royal dignity and authority."* To the same effect is the declaration of Mr. Mead, in his recent work:—"The sovereigns of what are called independent States live in a state of abject dependence upon the will of the British agency at their various courts. The whole functions of government are, in most cases, exercised by the Resident in fact, if not in appearance; and the titular monarch sighs in vain for the personal freedom enjoyed by his subjects."† The natural consequence is, that, being thus consigned to a state of utter impotence, with only the outward show, but next to none of the reality of power, the unfortunate prince, forbidden the opportunity of active occupation in the legitimate sphere of his own duties as a sovereign, abandons himself to such frivolous and sensual enjoyments as he can pursue unmolested within the precincts of his own palace. And then the very misgovernment and disorder produced by our own means, are put forward as pretexts for confiscating his kingdom; while the Resident, who is there, be it observed, under the guise of being the representative of a friendly power, avails himself of the authority he has usurped, to act the spy and informer over his victim, to collect all manner of accusations against him from his own subjects, in order to justify the spoliation that is contemplated. This is precisely the course that was pursued in regard to Oude. The unhappy king, in his petition to the House of Commons, thus describes the conduct of Colonel Sleeman, the last resident at his court:—

"From an early period after his appointment, he commenced a course of conduct highly derogatory to the dignity of the sovereign of Oude, calculated to give personal offence to the king, and to his minister, to degrade his Majesty in the eyes of his people, and to make his government unpopular and contemptible. In the face of solemn engagements not to interfere with the due course of justice, Colonel Sleeman, in effect, erected the British residency into a supreme court of appeal from the decision of his Majesty's judges, and took upon himself, in some instances, to interfere with the decision of the Moojtahid-ool-Usser, or Mahomedan High Court of Justice. Without any proper warranty, and in contravention of all the treaties between the British Government and Oude, Colonel Sleeman, at great cost, and at the expense of the King and the Government of Oude, made a tour of three months, or thereabouts, in the provinces of Oude, in the course of which he engaged himself in collecting complaints, and in consequence applications and petitions were sent in to him by the king's people, for redress of grievances or pretended grievances. He revived disputes and claims which

* A Plea for the Princes of India, p. 42. † The Sepoy Revolt, p. 202

had been judicially decided for twenty or even thirty years previously. He descended to decided personalities to annoy the king and other members of the Royal family, and by these and other unwarrantable and vexatious proceedings, he threw the Government of Oude into a state of confusion, prevented the due administration of justice, rendered the collection of the revenue of the State difficult, and in some cases impossible, and thereby unhinged the whole social and political system of the State, to whose rulers he was bound by treaty to give his best advice and counsel, with a view to the establishment of order and good government."*

It is very curious to find Mr. J. P. Grant, one of Lord Dalhousie's councillors, who advised the annexation of Oude on the ground of the incompetency of the king, acknowledging, quite naively, that under the system of *surveillance* and meddling which we had forced upon him it was utterly impossible that he or any other man *could* be be an efficient ruler. "It seems to me," he says, "as hopeless a task to rear hearts-of-oak in a dark cellar, as to bring up, *under a foreign protectorate*, a capable ruler in the palace of such a dependency as Oude."† And yet the absence of that capability to rule, which by our own admission we had rendered inevitable, is employed as a pretext for confiscating his kingdom.

But while alleged malgovernment on the part of native States is deemed a sufficient justification of our rapacity, good government, even when fully acknowledged by ourselves, is found to be no protection against it We may take as an illustration the case of Sattara. No charge of misgovernment was ever pretended to be alleged against the rulers of this state. "The Sattara State," we are told, "was prosperous and well-doing; its princes were prudent and economical; they spent their revenues beneficially on roads, bridges, and other public works: nor did they overspend themselves; for they had always large cash balances both in their private and public treasuries. Their administration drew down the applause of residents, of the Bombay Government, of the supreme Government, of the Court of Directors, of the Board of Control; it produced them laudatory and flattering epistles, and procured for them complimentary presents of jewelled swords and model field-pieces. Better still, their rule was blessed with the contentment and the prosperity of their subjects; and 'unquestionably,' said Sir George Clerk in 1848, 'a Native Government conducted as that of Sattara has been, is a source of strength to the British Government.' "‡

In like manner Mr. Henry St. George Tucker, who long occupied an influential position in the Court of Directors, said, "There are persons who fancy that landed possessions in India cannot be successfully administered by native agency. In disproof of this notion I would point to the Rampoor Jagheer, in Rohilcund, which was a perfect garden when I saw it long ago, and which still remains, I believe, in a state of the highest agricultural prosperity. Nay, I would point to the principality of Sattara, which appears to have been most successfully administered, both by the ex-Rajah, Purtab Sing, and his brother and successor, the late Rajah Appah Sahib, *who have done more for the improvement of the country than our Government can pretend to have done in any part of its territory.*" Why, then, it may be asked, was this state confiscated? Here are Lord Dalhousie's reasons, in his own words:—"The territories lie in

* Dacoitee in Excelsis, pp 14-15. † Oude Blue Book, p. 209.
‡ The Native States of India, p. 36.

the very heart of our own possessions. They are interposed between the two military stations in the Presidency of Bombay, and are at least calculated in the hands of an independent sovereign to form an obstacle to safe communication and combined military movement. *The district is fertile and the revenues productive.* The population, accustomed for some time to regular and peaceful governments" (under their native princes, be it remarked!) "are tranquil themselves, and prepared for the regular government our possession of the territory would give." Here we perceive there is a perfectly unblushing avowal that we seized these territories *because* they were fertile, productive, well-governed, and conveniently situated for our purpose. And how did we deal with the unhappy Prince whom we dispossessed? Besides the revenue derived from his kingdom, he had large private property, and he was promised that "all property belonging to him, *bonâ fide* private and not appertaining to the State, would on his peaceable submission not be interfered with." He did submit: but what followed? "Relying on this promise he allowed 1,200 attached friends and dependents to follow him into exile and confinement at Benares. But from the hour he left Sattara until the day of his death, not one rupee was the Rajah permitted to receive from this guaranteed source. Everything he left behind—jaghires, villages, houses, farms, gardens, jewels, money, clothes—all were confiscated. In consequence the Prince was obliged to submit to great personal discomfort and deep humiliation: he continued through the remnant of his days to be hampered and embarrassed by debts and liabilities; and at last he died deeply involved, leaving his wife, his adopted son, and five hundred followers, in the greatest poverty." * And how did the subjects of this Prince like the change? The answer is at hand. When the opportunity came they conspired and revolted against our rule; and the following extract from the *Bombay Times*, describing the execution of one of the ringleaders in Sattara, speaks trumpet-tongued as to the popularity of our rule:—"The preliminaries of striking off the fetters, reading the death warrant, &c., being gone through, the prisoner in a bold fearless manner mounted the drop, and during the process of adjusting the noose and pinioning, he, in a loud, firm voice, addressed the crowds in the following words:—"Listen all! *As the English people hurled the Rajah from his throne, in like manner do you drive them out of the country.* This is murder. I am illegally condemned, and have not been condemned by judge or jury. This example is made to frighten you; but be not alarmed. Sons of Brahmins, Mahrattas, and Mussulmans, revolt! Sons of Christians, look to yourselves!" Well then, we presume, it will be admitted that these deposed and despoiled native princes are not the class who have been benefited by our rule.†

* India Wrongs without a Remedy, pp. 16, 17.

† As a rule, though by no means without individual exceptions, the official Anglo-Indians, as well as the class in this country from which they are drawn, are always ready to declare, in the most earnest manner, their conviction of the perfect wisdom and justice of every annexation made by the Honourable Company. There is, however, nothing miraculous in this. In the Oude Blue Book there is a despatch from Lord Dalhousie to Major-General Outram, Chief Commissioner of Oude, which throws a flood of light upon the source of these strong convictions. It contains a simple enumeration of the offices which the Commissioner is empowered to create for the administration of the annexed territory, to be, of course, occupied chiefly, if not altogether, by our dear countrymen.

The Chief Commissioner is to retain the salary and allowances which have hitherto appertained to the office of president at Lucknow. There are also to be

A Judicial Commissioner, at.. £4200 per annum.

II.—The Aristocracy of India.

Let us next look to the class immediately below them,—what may be called the *native official aristocracy*, who administer political affairs under the native governments. How do they fare under "the blessings of British rule?" It is impossible, indeed, to think of the miserable condition to which we have reduced the ancient, royal, and aristocratic families of India, without a mingled feeling of pity and indignation. Not content with having despoiled them of their dignities and possessions, we have sought every opportunity,—shuffling, on the meanest pretexts, out of the payment of those allowances which we bound ourselves by treaties to pay them, as some compensation for their loss of rank and power—to consign them to absolute beggary and degradation. Mr. Mead, speaking of the family and adherents of the Great Mogul, of the house of Tippo Sahib, and of the late Nabob of the Carnatic, thus describes the deplorable state to which they have been reduced by our cruel and dishonest treatment:—

"During the half-century that we have had control over the destinies of the members of the three great families alluded to, whilst we have been steadily encroaching on the fund set apart originally for their maintenance, we have done nothing whatever in the way of training their children, or affording them the opportunities of employment. There is no opening for them in the army, except as private soldiers; no room for them on the bench, except they mingle with the mass of witnesses that haunt our courts, and are content to crawl upwards, all dirt and servility. Without land they cannot live by agriculture; and without capital they cannot embark in trade. Not a year passes over which does not make large additions to the stock of misery and discontent, in the shape of disinherited heirs, who have licked the dust in vain for the chance of being allowed to retain the estate or the pension enjoyed by their fathers."*

Mr. Norton, an eminent member of the bar at Madras, in his work recently published, says:—"We have destroyed the only remaining stages for the ambitious to play their parts on; we have reduced the families of sovereigns to the miserable condition of pensioners; we have thrown their descendants and dependents by thousands penniless upon the world; we have frittered away the native nobility and gentry; the classes destined to rise from their ruin have not yet emerged from obscurity; the mercantile class, though important in point of wealth, are numerically scanty; the great body of the people consist of ryots and revenue servants, or, as one

A Financial Commissioner, at	£4200	per annum.
4 Commissioners of Divisions, at	£3300	"
12 Deputy-Commissioners, with salaries varying from £1800 to £1000		"
18 Assistant Commissioners, with salaries varying from £840 to £600		"
18 Extra Assistants, of whom		
3 are to receive	£720	"
6 are to receive	£480	"
9 are to receive	£380	"

"It is impossible," continues the despatch, "at present, with the number and the limits of districts unknown and undefined, to determine the numerical strength of the Commission; but the Governor-General in Council, adverting to the known area and the supposed revenue of the province, as compared with those of the districts ceded to the British Government in 1801, and now forming part of the North-West Provinces, is inclined to think that *four* Commissioners of Divisions, *twelve* Deputy Commissioners of Districts, *eighteen* Assistant Commissioners, and *eighteen* Extra Assistants, will suffice in the *first instance*. Besides these," &c.,—Why! here are 54 excellent reasons, varying in clearness and force from £4200 to £300 a year, why Oude should have been annexed. Need we wonder, therefore, that the righteousness of this measure is as clear as the noon-day to our countrymen in India?

* The Sepoy Revolt, p. 220.

of the Madras civilians designated them in the Torture Report, 'the oppressors and the oppressed,' and every act of 'annexation' and 'consolidation' has only added to our embarrassed poverty and weakness." * Here is another emphatic testimony on the same point, from a very able and excellent man, Mr. John Sullivan:—"Five native States have fallen within the last ten years. If we put on one side of the account what the natives have gained by the few offices that have been lately opened to them, with what they have lost by the extermination of these States, we shall find the net loss to be immense; and what the native loses, the Englishman gains. Upon the extermination of a native State an Englishman takes the place of the sovereign, under the name of Commissioner; three or four of his associates displace as many dozen of the native official aristocracy, while some hundreds of our troops take the place of the many thousands that every native chief supports. The little court disappears—trade languishes—the capital decays—the people are impoverished—the Englishman flourishes and acts like a spunge, drawing up riches from the banks of the Ganges, and squeezing them down upon the banks of the Thames. Nor is this all. Native princes and their courts not only encourage native trade and native arts, but under them, and because of their very weakness, public opinion flourishes; all that constitutes the life of a people is strengthened, and, though the government may occasionally be oppressive, heavier far is the yoke of our institutions."

III.—The Native Gentry and Landowners.

We come next to the class of *native gentry and landowners.* What is their condition under British rule? Is it such as to indicate that we have conferred any advantages upon them, and thereby secured their loyalty and attachment to our power? So far otherwise, that by our system of resumption, and by the oppressive exactions we make on the land, they are actually and rapidly disappearing. Take, for instance, the testimony of Mr. Giberne, long engaged in the Company's service. He was examined by the Commons Committee on Cotton Cultivation in 1848, and stated that he was at one time employed as collector of revenue in Guzerat; but that after an absence of fourteen years he returned to it as judge, in 1840. Everywhere, he says, he remarked deterioration among all classes. "I did not see," he goes on to observe, "so many of the more wealthy classes of the natives. The aristocracy, when we first had the country, used to have their gay carts, horses and attendants, and a great deal of finery about them; and there seemed to be now an absence of all that. . . . The Ryots all complained that they had had money once, but they had none now."† And in a private letter, dated 1849, written by "a gentleman high in the Company's service," the decay of Guzerat is thus described:—"Many of the best families in the provinces, who were rich and well to do when we came into Guzerat, in 1807, have now scarcely clothes to their backs. . . . Our demands in money on the Talookdars are more than three times what they originally paid, without one single advantage gained on their parts. Parties, from whom they have been compelled to borrow at ruinous rates of interest, enforce their demands by attachment of their lands and villages; thus they sink deeper and deeper in debt, without

* The Rebellion in India: How to prevent another. By John Bruce Norton, p. 80.
† Minutes of Evidence.

the chance of extricating themselves. *What then must become of their rising families?*"*

The Hon. Mr. Shore himself, long a resident in India, draws a picture of the condition to which the native gentry have been reduced under our rule, which one would think must affect with some feeling of compassion and remorse the heart even of an East Indian Director.

"To bring the subject home to an English heart and mind, let us turn our thoughts to our native land, and compare the effects produced by individual example and influences there with what might have been the case here. Let us represent to ourselves an English country gentleman overlooking his estate, promoting the improvement of agriculture, superintending the roads and public buildings, and subscribing to the local charities; as a neighbour, opening his house, and by his hospitality affording the means of social intercourse to his neighbours—all the different members of his family contributing their share to the general good. Contrast this picture with the state of things in India. The upper classes of the natives, who used to occupy the above situations, ruined, and their places supplied by foreigners, who keep aloof from the people, and whose ultimate object is to return to England with a fortune. . . . . As to the number of respectable people who have suffered, let any one leave the English stations—few and far between—and go into the country towns and villages, and there see the innumerable houses which not many years ago were in good repair, and inhabited by men who lived in the style of gentlemen, keeping up establishments of servants, horses, elephants and equipages, but which are now all falling to decay, while their owners, or their descendants, are dwelling in mud huts, with little more than the merest necessaries of life."†

It is true this was written a good many years ago; but has the system which produced these results been changed? So far otherwise that it has been carried on with even augmented vigour since Mr. Shore uttered his protest, and is tending rapidly in many parts of India to the absolute annihilation of the native gentry.

There are various means adopted to effect this ruin of the native land-owners in India. First comes the method adopted by the Government of collecting its revenue.

"The payment of the land revenue," says Mr. Wilson, "is made in four instalments, annually. After the sun-setting of a certain specified date, the instalment cannot be received. If a sixpence is short in the amount, the whole of the defaulter's property is put up to auction, and by the chances of an over-sight, the neglect or wilfulness of an employé, or, what is more frequent, the intrigues of the functionaries in office, a family living in the highest opulence is suddenly crushed into the dust; and in its fall are swept away all rights, titles, securities, and pecuniary claims of any kind whatsoever; for the sale of an estate for Government revenue revokes all liabilities upon the whole or any part of it. The farmer's lease and the usurer's bond are henceforward waste paper."‡

Then comes the system of "resumption," previously referred to.

In the *Edinburgh Review* just published, it is thus described: "One of the expedients to which the Revenue Boards have been driven, is that of "resumption," a system by which the Government challenges the titles of those holding lands free of rent-charges, harassing them with legal proceedings, taking advantage of every technical defect under its own regulations and its own courts, and frequently succeeding in selling-up Zemindars at a

* The Government of India since 1834, pp. 14, 15.

† Notes on Indian Affairs, by the Hon. Frederick John Shore, vol. i. p. 188.

‡ Letter to John Bright, Esq., M.P., on the India Question, by James Wilson, Esq., twenty-five years resident in Bengal.

nominal price, the agents of the Company being the only purchasers. It is certain that many gross abuses of this kind have occurred."* The reviewer speaks of the Government "taking advantage of defects" in its own regulations and courts. But the petition of some of the aggrieved parties presented to the Court of Directors in 1853, makes it perfectly clear that this system of wholesale plunder of land, has been carried on directly in defiance, of both the letter and spirit of its own regulations.†

Of the extent to which these processes of spoliation are carried, some idea may be formed from the following facts. In Madras the Government has constituted itself the sole land-owner. This was done, partly, by over-assessing the land till the owner was ruined and unable to pay the tax, and then letting the land to any one else who chose to occupy it, thereby confiscating his property in it;‡ and, partly, by abrogating all the jaghire lands, that is, lands originally granted by the crown on condition of military service, very much as under the feudal institutions of Europe. Sometimes they did this on a principle of pretended commutation, that is, the Company taking the jaghires into their own hands, and granting pensions in lieu of them. As the lands were virtually freeholds, the pensions *ought*, of course, to have been hereditary and permanent. But after the arrangement had been made the Government declared that the pensions were only an annuity for the lives of the existing incumbents. The consequence was that the descendants of these people were reduced to the lowest state of degradation and poverty. Mr. Mead, in his very able volume, speaking on this point, says:—

"In Bengal and Madras, the work of retrenchment is well nigh over, but in Bombay at this moment, a commission is sitting, which has been in existence since 1843, charged to inquire into the validity of all titles to free land held in hereditary occupation. The total claims in the Southern Mahratta country, up to the date of a parliamentary return issued on the 28th of August last, amounted to upwards of 108,000, and less than 7,000 decisions had been given in the last 14 years. This leaves more than 100,000 claims standing over, which at the same rate will be settled in the year of our Lord 2058. The gain in revenues from the resumptions is £15,846 per annum at present, and a further sum of £27,000 after the lapse of one, two, or three lives. The cost of the survey was perhaps £100,000 in cash, but how much in good will and loyalty?" §

IV.—The Social and Political Condition of the Higher Classes in India.

So much as to the material condition of the landed and other gentry. But how about their social and political status? Is that improved or deteriorated by our occupancy of India? Mr. Mounstuart Elphinstone—and a higher authority on all Indian matters it would be impossible to adduce—thus speaks of the free access to political power open to the people under the native governments:—"Notwithstanding the distinctions of caste, there is no country where men rise with more ease from the lowest rank to the highest. The first Nabob of Oude was a petty merchant; the first Peishwar was a village accountant; the ancestors of Holkar were goatherds; and those of Scindiah slaves. All these and many other instances

* Edinburgh Review for January, 1858, p. 16.

† Petition of the British Indian Association to the Court of Directors on Resumptions illegally made—*passim.*

‡ See Appendix to the Torture Report, C, No. 13; also Dykes on Salem, pp. 444, 455.

§ The Sepoy Revolt. p. 221.

took place within the last century. Promotion from among the common people to all the ranks of civil and military employment short of sovereignty, are of daily occurrence under native states, and this keeps up the spirit of the people, and in that respect partially supplies the place of popular institutions. The free intercourse of different ranks also keeps up a sort of circulation and diffusion of such knowledge and such sentiments as exist in society. Under us, on the contrary, the community is divided into two perfectly distinct and definite bodies, of which the one is torpid and inactive, while all the power seems concentrated in the other."

To the same effect is the testimony of Lord William Bentinck, who declared that even the Mussulman conquerors of India displayed more consideration for the people they conquered than we do. "In many respects," he says, "the Mahommedans surpassed our rule; they settled in the countries they conquered,—the interests and sympathies of the conquerors and conquered became identified. Our policy, on the contrary, has been the reverse of this,—cold, selfish and unfeeling. The iron-hand of power on the one side; monopoly and exclusion on the other."*

And what is the effect which this state of things produces on the character of the people, and on their feelings towards ourselves? Mr. Gleig, in his admirable pamphlet just re-published, says:—"All the classes above the mere cultivators see in the English Government a power which, however evenly it may profess to hold the scales between man and man, entertains no sympathy for them or for the traditions of their ancestry. They may acquire fortunes by trade, they may build ships and obtain the honour of knighthood; and whatever they earn by honest industry they feel that they will be permitted to keep: but all beyond this is a blank; and they are fully alive to its dreariness. There are no such avenues to advancement open to them as stirred the ambition and stimulated the exertions of their forefathers. They cannot attain in the civil service of the state to a station more elevated than that of an ill-paid rural magistrate, or a clerk in one of the public offices. Even the status of a practising attorney in the Courts of Law seems to be denied to them; though the decision of the judge who settled the question was evidently delivered under a painful sense of its iniquity. And as to the army, we shall have occasion presently to explain that it offers no prizes for which it would be worth the while of a native gentlemen to strive. Now, people so circumstanced cannot be loyal in any sense of the term. They may submit to their fate with more or less resignation, either because they see no chance of escape from it, or through the influence of that fatalism which enters largely into the faith of all the religionists of the East. But it is impossible they can nourish the slightest feeling of love for the government which thus grinds them down, far less be prepared to make sacrifices of any kind in defence of it. Nor do they. By the native gentry of India—and it is a great mistake to suppose that India has not its gentry of ancient lineage and proud reminiscences—the rule of the English is regarded not only without favour, but with settled detestation. There is not one among them all but would rejoice to see it overthrown to-morrow."† It is important to observe that the above was written four years ago, when most people in this country laughed to scorn the very idea of any serious peril threatening our Indian Empire.

* Remarks on the Affairs of India, by John Sullivan, p. 49.

† India and its Army. By the Rev. G. R. Gleig, Chaplain-General to Her Majesty's [Fo]rces, pp. 3,4.

Still more emphatic, if possible, is the declaration on this point of Sir Thomas Munro, one of the most sagacious and eminent of our Indian statesmen, of whom Mr. Canning said that "Europe never produced a more accomplished statesman:"—

"The main evil of our system is the degraded state in which we hold the natives. We suppose them to be superstitious, ignorant, prone to falsehood, and corrupt. In our well-meaning zeal for their welfare, we shudder at the idea of committing to men so depraved any share in the administration of their own country. We exclude them from every situation of trust and emolument; we confine them to the lowest offices, with scarcely a bare subsistence; and even these are left in their hands from necessity, because Europeans are utterly incapable of filling them. We treat them as an inferior race of beings. Men who, under a native government, might have held the first dignities of the State, who but for us might have been governors of provinces, are regarded as little better than menial servants, are often no better paid, and scarcely permitted to sit in our presence. We reduce them to this abject state, and then look upon them with disdain as men unworthy of high station. Under most of the Mahommedan princes of India the Hindoos were eligible to all the civil offices of government, and they frequently possessed a more important share in them than their conquerors."

And what are his opinions as to the moral effect of our rule upon the national character? The following are his words:—

"But even if we could be secured against every internal commotion, and could retain the country quietly in subjection, I doubt much *if the condition of the people would be better than under their native princes.* The strength of the British Government enables it to put down every rebellion, to repel every foreign invasion, and to give to its subjects a degree of protection which those of no native power enjoy. Its laws and institutions also afford them a security from domestic oppression unknown in those states; but these advantages are dearly bought, *they are purchased by the sacrifice of independence, of national character, and of whatever renders a people respectable.* The natives of the British provinces may, without fear, pursue their different occupations, as traders, meerassadars, or husbandmen, and enjoy the fruits of their labour in tranquillity; but none of them can aspire to anything beyond this mere animal state of thriving in peace; none of them can look forward to any share in the legislation, or civil or military government of their country. It is from men who either hold or who are eligible to public office that natives take their character: where no such men exist there can be no energy in any other class of the community. The effect of this state of things is observable in all the British provinces, *whose inhabitants are certainly the most abject race in India.* No elevation of character can be expected among men who, in the military line, cannot attain to any rank above that of subahdar (captain), where they are as much below an (English) ensign as an ensign is below the Commander-in-Chief; and who in the civil line can hope for nothing beyond some petty judicial or revenue office, in which they may by corrupt means make up for their slender salary. The consequence, therefore, of the conquest of India by the British arms would be, in place of raising, *to debase the whole people.* There is, perhaps, no example of any conquest in which the natives have been so completely excluded from all share of the government of their country as British India. Among all the disorders of the native states, the field is open for every man to raise himself; and hence, among them, there is a spirit of emulation, of restless enterprise, and independence, far preferable to the servility of our Indian subjects."*

In reference, indeed, to this tendency of our system of government gradually to destroy both the upper and middle classes in India; even

* See the same sentiments still more strongly expressed in the Life of Munro, vol. iii., pp. 360-2, 381.

Colonel Sykes, though now a great man with the Board of Directors, was obliged thus to express himself in 1849 :—

"I state honestly and sincerely my conviction, that it is most dangerous, with reference to our power and even financial prosperity in India, by our constant appropriations and resumptions of enams and rent-free lands to lead the people at large to fear that *we are really only anxious to make a government of officials on the one hand, and a nation of serfs on the other.*"

V.—The Condition of the Ryots, or Cultivators of the Soil.

But we shall probably be told, that however unfriendly our rule may be to the higher classes, the great bulk of the people—the peasants, the cultivators of the soil—have been immensely benefited. Let us see, then, how far *this* is true. In what respect have they been benefited?

And let us take as our example the province of Bengal, where the present mutiny has broken out. What was its condition before it came into British possession? Listen to the language of Lord Macaulay. "In spite of the Mussulman despot and of the Mahratta freebooters, Bengal was known through the East as the garden of Eden—as the rich kingdom. Its population multiplied exceedingly; distant provinces were nourished from its overflowing granaries, and the noble ladies of London and Paris were clothed in the delicate produce of its looms." Again, Stewart, in his "History of Bengal," says: "By the prudent administration of a system of sound policy and humanity, the rich province of Decca was cultivated in every part, and abounded in everything requisite for the comfort and gratification of its inhabitants. Justice was administered with impartiality, and the conduct of its administrators, Gholab Aly Khan and Jeswunt Roy, gained great credit to their principal, Sanferaz Khan. Jeswunt Roy had been educated under the Nawul Aly Khan, whose example he emulated in purity, integrity, and in indefatigable attention to business; and in framing his arrangements for the government of the province he studied to render them conducive to the general ease and happiness of the people; he abolished all monopolies, and the imposts which had been laid upon grain."* Such was the manner in which our predecessors ruled that beautiful land, and such was the condition of the inhabitants under their rule. Now, on the other hand, we have a series of testimonies as to what the condition of Bengal has been since it came into our possession, extending from the time of Clive to that of Canning, to which we earnestly entreat the reader's attention. In less than ten years after that province had become subject to British rule, the state of things is thus described by Lord Macaulay :—"Every ship from Bengal had for some time brought alarming tidings. The internal misgovernment of this province had reached such a pitch that it could go no further. . . . . During the five years which followed the departure of Clive from Bengal, the misgovernment of the English was carried to a point such as seemed hardly compatible with the very existence of society. . . . . Enormous fortunes were rapidly accumulated at Calcutta, while thirty millions of human beings were reduced to the extremity of wretchedness."† Let us now descend a little on the stream of time, and come down to a somewhat later period. Twenty years after this, and about thirty years after we had come into possession, we find Lord Cornwallis, then Governor-General, thus describing the state of matters in Bengal. "I am sorry to be obliged to say that agriculture and commerce

* Stewart's History of Bengal, p. 30. † Macaulay's Essays, vol ii., pp. 113–114.

have for many years been gradually declining; and that at present, excepting the class of shoofs and banyans, who reside almost entirely in great towns, the inhabitants of these provinces were advancing hastily to a general state of poverty and wretchedness. In this description I must even include almost every zemindar in the Company's territories; which, though it may have been partly occasioned by their own indolence and extravagance, I am afraid must also be in a great measure attributed to the defects of our former system of mismanagement."* If we come down lower still we shall find no signs of improvement. Thirty or forty years later than the time to which Lord Cornwallis refers, we find another Governor-General, Lord Hastings, thus describing the state of matters in Bengal:—"The present state of landed property in Bengal may be brought under review, as connected with the judicial administration, since it appears to have originated more from the practical operations of legal decisions than from the fiscal regulations of this government. The powers which have been assumed by the auction purchasers, and probably by the original proprietors also, under the cover of summary suits, and the still more summary process of ejectment, have *completely destroyed every shadow of a right in the tenants, and reduced a happy and comparatively rich peasantry to the lowest stage of indigence and penury*."† But we may be told that this was comparatively a long time ago, and that since then there has been great improvement in the condition of things in Bengal. Let us see. Lord Cornwallis, whose words we have just read, introduced into that province what is called the Zemindary system of landed tenure, under the name of the perpetual settlement, a system which Mr. Dickinson has justly described in a few comprehensive words, as "one of the most sweeping confiscations the world ever saw, by which we transferred the whole landed property of the community to a body of tax-gatherers."‡ And what has been the effect of this stroke of British statesmanship? The *Friend of India*, under date of September 16th, 1852, thus speaks of it:—"A whole century will scarcely be sufficient to remedy the evils of that perpetual settlement, and we have not yet begun the task. Under its baneful influence a population of more than twenty millions have been reduced to a state of such utter wretchedness of condition, and such abjectness of feeling, as it would be difficult to parallel in any other country." The *Friend of India*, let it be remembered, was always considered as a sort of semi-official paper, its editor Mr. Marshman, being well-known to be in close relations with the government. He is, therefore, a witness not likely to be unduly severe on anything pertaining to Indian rule. We will, give another passage from the same journal of April, 1852:—

"No one has ever attempted to contradict the fact that the condition of the Bengal peasantry is almost as wretched and degraded as it is possible to conceive, living in the most miserable hovel, scarcely fit for a dog-kennel, covered with tattered rags, and unable, in too many instances, to procure more than a single meal a day for himself and family. The Bengal ryot knows nothing of the most ordinary comforts of life. We speak without exaggeration when we affirm that if the real condition of those who raise the harvest, which yields between three and four millions a-year, was fully known, it would make the ears of every one who heard thereof to tingle."

* Parliamentary Papers. "East India Affairs." p. 157.
† The State of Government of India under its Native Rulers, by John Sullivan, p. 24.
‡ The Government of India under a Bureaucracy, p. 169.

Will it be said that, after all, this is only the assertion of an anonymous newspaper writer? . Well, that shall not serve the objector, for we have at hand a series of testimonies from men of the highest character, intimately acquainted with India. And, first, we call Ramohun Roy, that remarkable native gentleman and scholar, who, writing in 1831, says:—

"Under both systems (the zemindary system of Bengal and the ryotwary system of Madras) the condition of the cultivators is very miserable; in the one they are placed at the mercy of the zemindars' avarice and ambition, in the other they are subjected to the extortions and intrigues of the surveyors and other government revenue officers. According to the best of my recollection and belief their condition has not been improving in any degree. In short, such is the melancholy condition of the agricultural labourers, that it always gives me the greatest pain to allude to it."

In 1834, the Hon. Mr. Shore, son of the late Lord Teignmouth, writing on the same subject, speaks of—

"The gradual impoverishment of the country, by a system of taxation and extortion, unparalleled in the annals of any country. The ruin of the old aristocracy, and of all the respectable landholders, which has been systematically effected, in order to increase the government revenue. At the present moment no one connected with the land feels a day's security in his possessions; the poverty of the people is almost beyond belief; and this, joined to the almost entire disorganisation of native society, is causing a rapid increase of crime. The simple and natural inducements here, as in every other part of the world, must of course be, first, security of property; secondly, a certainty of reaping the benefits of any trouble or expense incurred. The encouragement given has been to raise the land-tax as high as possible, and appropriate the whole amount to government, with the exception of a bare sufficiency for the cultivators to exist upon, and to enable them to carry on their next year's agriculture."

The following are the words of Mr. Saville Marriott,* one of the most respectable and honourable men that ever returned from India to this country:—

"In elucidation of the position that this country [India] is verging to the lowest ebb of pauperism, I would adduce a fact pregnant with consideration of the most serious importance, namely, that of late years a large portion of the public revenue has been paid by encroachment upon the capital of the country, small though that capital is in itself. I allude to the property of the peasantry, which consists of personal ornaments of the precious metals and jewels, convertible, as occasions require to profitable purposes, and accommodations in agricultural pursuits, most frequently in the shape of pawn, till the object has been obtained. I feel certain that an examination would establish that a considerable share of this and other property, even to cattle and household utensils, has been for ever alienated from its proprietors to make good the public revenue. In addition to this lamentable evidence of poverty, is another of equal force, to be seen in all parts of the country, in the numerous individuals of the above class of the community wandering about for the employment of hirelings, which they are glad to obtain even for the most scanty pittance. In short, almost everything forces the conviction, that we have before us a narrowing progress to utter pauperism."†

Again, the same gentleman writes, in another part of his work, republished by him during the present year:—

"You will readily perceive that my opinions are the result rather of practical experience than deductions drawn from scientific views; and if I should, in

* Mr. Marriott was a colleague and friend of Mountstuart Elphinstone, who used to say that the only pleasure he ever derived from his government was when he sometimes got an opportunity of reducing the assessment.

† India: the Duty and Interest of England to inquire into its state. By Saville Marriott, pp. 13–14.

appearance or even in reality, express myself with a somewhat unmeasured warmth, I feel assured I shall find excuse with you, under the consideration that, from a very long and intimate connexion, my claim may be deemed to amount to almost denizenship with this interesting people. *For many years past I have, in common with many others, painfully witnessed their decline; and more especially that part of the community which has emphatically been styled "the sinews of the state"—the peasantry of India.* It is not a single, but a combination of causes, which has produced this result."

Mr. Francis Horseley Robinson, a gentleman long resident in India, in a pamphlet published by him in 1853, adverting to some of the measures of reform which he thought necessary in our Indian dominions, says:—

"Fixity of tenure, within its proper limitations, which are well-known in the North-west provinces, should be extended to every part of our possessions, especially to Bengal, where the opposite principle of rack-renting has been allowed full play, where, in consequence, the ryot is worse off than in the days of Clive, and where this most valuable class of men have been completely shut out from the benefits of our rule, which to them has as yet been an unmixed evil."*

It is well known that the *Calcutta Review* occupies the highest place in the periodical literature of India. Many of the most eminent men, both as scholars and statesmen, in that country, have enriched its pages with their contributions. The following are the terms in which that publication describes the condition of the ryots (the peasants) of Bengal,—that is, of about thirty millions of people, who enjoy "the blessings of British rule." In a country, it says,—

"So bountifully intersected by noble rivers, fed by tributary streams and rivulets, which spread perennial verdure and luxuriance over fields and plains, and, constituting links of communication, stimulate and promote the alacrity and bustle of traffic,—there is to be found a community leading a life such as to call forth sympathy and commiseration. The community we allude to is that of the Bengal ryot. The name is familiar here as one expressive of an ignorant, degraded and oppressed race.

"To whatever part of Bengal we may go, the ryot will be found to live all his days on rice, and to go covered with a slight cotton cloth. The profits which he makes are consumed in some way or other. The demands upon him are almost endless, and he must meet them one by one. This prevents the creation of capital, and prolongs the longevity of the Mahajani (or usurious money-lending) system. The districts of Bengal are noted for fertility and exuberance of crops; and if the ryots could enjoy freedom and security, the country would exhibit a cheering spectacle. But their present condition is miserable, and appears to rouse no fellow-feeling, no sympathy, in those by whom they are surrounded."

The same periodical, again writing in 1853, reiterates its assertions in language, if possible, yet more emphatic:—

"There can be no doubt upon the mind of any unprejudiced person, that the wealth of this country is fast visibly declining, and that the temporal circumstances of the poor are wretched in the extreme, and this decline is especially marked in its most fatal results upon the industry of the country and the condition of the peasantry."

After enumerating various causes for this state of things, the reviewer proceeds:—

"These combinations of causes, working for many years, *have brought one of*

* What Good may come out of the India Bill, p. 44.

the richest countries of the world into the extremest state of poverty, which finds a kind of relief in the devastations of periodic famines.

To all this let us add the testimony of the Protestant Missionaries of Bengal, in their petition to Parliament :—

" Your Petitioners believe that a strict and searching inquiry into the state of the rural population of Bengal would lead your Honourable House to the conclusion, that they commonly live in a state of poverty and wretchedness, produced chiefly by the present system of landed tenures, and the extortions of the Zemindars, aggravated by the inefficiency and the cruelties of the peace officers, who are paid by the chowkedarry tax or by Government." Again, they say, that many recent circumstances "have deepened their conviction, that the social condition of the people of Bengal is deplorable in the extreme," and "that they feel themselves bound to declare, that they view with alarm as well as sorrow the continuance of the evils which they have so long deplored, and the effects of which are seen in the demoralization and sufferings of the people ; and that *they believe that measures of relief can with safety be delayed no longer, as from the information they have acquired they fear that the discontent of the rural population is daily increasing, and that a bitter feeling of hatred towards their rulers is being engendered in their minds.*"*

It will be seen that nearly all these testimonies as to the condition of the cultivators of the soil—the great bulk, in fact, of the natives of India, —relate especially to Bengal. We have selected that presidency as an illustration, because, first, it is that which has been longest under our rule ; secondly, it is the seat of the supreme government ; thirdly, it has been the principal scene of the recent outbreak ; and fourthly, it is avowedly considered by far the best governed and most flourishing of our old possessions in India. According to universal admission, in Bombay, and especially in Madras, where the ryotwarry system is in full vogue, the peasantry are in a still more deplorable plight. On this point let it suffice to cite the following extract from the report of the Select Committee of the House of Commons in 1848 :—

" It appears from the testimony of almost every witness that the condition of the cultivating population of India is one of extreme poverty ; and this is stated to be the case in every part of the country to which the evidence with regard to cotton cultivation specially refers. This observation applies to the western and southern provinces of India, including the presidency of Bombay, and portions of Madras, regarding which the knowledge of the witnesses examined is much more definite and extensive than of the presidency of Bengal, which latter yields but a very trifling supply of cotton for exportation, in comparison with the other parts of India. Whether under the ryotwarry system at Madras, or under the village system that prevails extensively in the west, the great mass of the cultivators are almost wholly without capital, or any of those means which capital alone can furnish, by which industry may be improved and extended. *They are in reality a class of cultivators in the most abject condition.*"†

Now we venture to say, that no parade of general statistics as to the increased productiveness of the country in taxation and revenue, in imports and exports, will serve to countervail this overwhelming mass of evidence as to the actual condition of the people of India under British rule ; even if the comparison made between the yield of India in those respects now and twenty or five-and-twenty years ago did not rest on an altogether unfair foundation, seeing that at the two periods compared, the extent of country known as British India was widely different.‡

* Appendix to the Seventh Report on Public Petitions, pp. 60-64.

† Report from the Select Committee on the Growth of Cotton in India, pp. 5, 6.

‡ See Appendix A.

The Moral Condition of the Natives under British Rule.

There is one other aspect of this question of still greater importance, if possible, than any yet mentioned, as a criterion of our rule in India, and that is: *What has been the effect of our presence and influence there on the moral character and condition of the people?* It is most painful to be obliged to say so, but we fear it is impossible to deny that the effect has been, in some important respects at least, greatly to deteriorate and degrade them. How, indeed, can it be otherwise, when the whole tendency of our system of government has been to reduce the natives to such a state of social and political servility as is wholly inconsistent with the retention of that feeling of self-respect which is the very basis of all manly virtue. This tendency, as will be seen by a previous citation, was observed and strongly bewailed by Sir Thomas Munro. "The main evil of the system," he says, "is the degraded state in which we hold the natives . . . . . The effect is observable in all the British provinces, *whose inhabitants are certainly the most abject race in India.*"

But apart from this general tendency of our rule to degrade the population, there are certain of our regulations and practices that directly operate to their moral deterioration. On two points especially, it would seem we have helped to deprave the national character, namely, their truthfulness and their sobriety. There appears to be no doubt that the judicial system we have introduced is an actual premium upon lying, litigation, and perjury. The Right Honourable Mr. H. Mackenzie, in his official minute, says:—

"We are everywhere met by people complaining of the authorities set over them, and the authorities complaining of the people. The longer we have had the district, the more apparently do lying and litigation prevail, the more are morals vitiated, the more are rights involved in doubt, the more are the foundations of society shaken, the more has the work of civil government become a hopeless thankless trial, unsatisfactory as to its immediate results, hopeless as to its future effects."*

No less emphatic on this point is the testimony of Mr. George Campbell, whose work, entitled "Modern India," is as far as possible from being pervaded by a puritanical morality, and who is, moreover, a zealous apologist of the East India Company. But on this point he is obliged to admit, that though the natives of India, like all oppressed races, are no doubt naturally addicted to such vices, yet when they come under our rule, "there is a great deterioration in course of time, and hence I infer that the lying and perjury so much complained of are quite as much due to our judicial institutions as to the people . . . . . The civil courts are the great schools for perjury, and *in our older possessions* false witnesses for criminal cases can easily be obtained from thence." Further on, the same writer says:—

"Practically, I must at once say, that the judicial oath, as it is used, does not in the very least affect the evidence. . . . . And yet this is not because the religious sanction of an oath is unknown to the people; on the contrary, it was nowhere stronger; and this is another of the changes caused by our system. In a new country, among the Jats of the North, I found that a solemn oath was astonishingly binding. . . . . But such binding oaths do not exist in our older provinces. The judicial oath is much too common-place an affair to carry weight, and the people, seeing perjury practised with impunity, become

* Minute of Mr. Holt Mackenzie, Oct. 1, 1830.

used to it. The longer we possess any province the more common and grave does perjury become, and the more difficult to deal with."*

In regard to the other point,—the influence of our presence in India on the sobriety of the people,—the evidence is, indeed, overwhelming. Warren Hastings, being summoned to give evidence on India before a Committee of the House of Commons in 1813, many years after his celebrated trial, speaking of the natives, says "that sobriety is not a general but a universal trait of their character. Their temperance is demonstrated in the simplicity of their food, and their total abstinence from spirituous liquors and other substances of intoxication." But what is the case now? The Hon. Mr. Shore, a gentleman who filled successively the situations of collector of the revenue, of judge, and then of political commissioner in India, says:—

"Drunkenness and the use of intoxicating drinks have increased in an extraordinary degree under the English rule. I have heard men declare that, thirty or forty years ago, even in Calcutta, a drunken native was a perfect rarity. Now they may be seen in numbers, lying drunk about the streets of that city, and more or less in every town in the interior, and not unfrequently in the villages also. *What is the cause of this? Simply that in order to raise the revenue, almost every collector is trying to increase the number of his liquor, spirit, and drug shops;* to establish them in every hole and corner of his district, and to promote drunkenness to the utmost; often giving under-hand, summary, and illegal assistance to the proprietors of shops, to enable them to recover money for liquor sold upon credit. And for this, provided the revenue increase, they receive the approbation of Government. . . . . It has been observed as a general truth, that the more connexion the natives have had with the English, the more immoral, and the worse characters in every respect, they become."†

Both the cultivation of opium and the manufacture of arrack is expressly the work of the Government of India, for purposes of revenue. And the former, apart from the infinite mischiefs to which it gives rise in our relations with China, involving gross and habitual violation of our treaties with that country, converting our merchants into little else than smugglers and pirates, excluding from the Chinese market articles of legitimate and honourable commerce, and keeping up ceaseless irritation between us and the Chinese authorities—apart from all these evils, the cultivation of this pestilent drug is pregnant with injuries material and moral to our own subjects in India. There are great oppressions practised upon the people, in those parts where it is grown, by the *compulsory* cultivation of the poppy to which they are driven by the Government. Still worse, however, are the moral results. On this point we cite the following observations from Major-General Alexander's pamphlet:—

"But a still greater evil than the oppression of the natives, is the rapid demoralization of the vast population of India from the growing habit of opium-eating. Even the Hindoos, said to be the most temperate people in the world, have caught the mania. . . . . In a written communication received from Mr. A. Sym, dated the 13th of March, 1840, he states:—The health and morals of the people suffer from the production of opium. Wherever opium is grown, it is eaten; this is one of the worst features of the opium question. We are demoralizing our own subjects in India, one-half of the murders, rapes, and affrays have their origin in opium-eating."‡

More disgraceful, yet, if possible, is the system by which the Govern-

* Modern India and Its Government, pp. 484–6.

† Notes on Indian Affairs, vol. ii., p. 353.

‡ The Rise and Progress of British Opium Smuggling, by Major-General Alexander, p. 18.

ment of India, merely for purposes of revenue, forces the consumption of arrack upon the people. It is manufactured by the Government, and every stimulus is given to the multiplication of licensed vendors, so as to seduce the natives to the utmost possible extent to get drunk for the profit of the State. The following extract from the Madras Native Petition, ought to bring the burning blush of shame to our cheeks, when we remember that it is the complaint of heathen Hindoos against a professedly Christian Government:—

"The liquor, generally known by the name of arrack is made at the Government distilleries, and thence supplied to licensed vendors to the number of one hundred and fifty; by whom it is sold in small quantities in every direction. In the interior, the manufacture and sale of the article is committed to contractors or farmers, who compete for the privilege annually at public auction; the sales realizing on the average £250,000 a year; and as the sale price is extremely low, the quantity consumed and the number of consumers is immense. Drunkenness, with all its miseries, is consequently common throughout the land; and its baneful effects are a full counterpoise for whatever real or imaginary benefits have been derived by the lower orders of India from her connexion with Great Britain. Your Petitioners have not memorialized Government in order to obtain the repression of this evil, not only because memorials to the Bombay authorities have totally failed, but because the amount of revenue thus derived from native demoralization is too great for your Petitioners to indulge the slightest hope of procuring even a diminution of so profitable a vice; forbidden by Hindu and Mahommedan law, and comparatively unknown before the ascendancy of European dominion."*

On the same subject, the Bengal Missionaries complain in their petition, that "the abkaree system for the regulation of the sale of wines, spirits and drugs, has, in practical operation, tended to foster among a people whose highest commendation was temperance, a ruinous taste for ardent spirits and destructive drugs, by the efforts made to establish new licensed depots for them, in the places where the use of such things was little, or was not at all, known before." Still stronger is the declaration of a most estimable clergyman of the Church of England, the Rev. Archdeacon Jeffries, who, after an experience of thirty years in India, used these startling words at a public meeting in London:—

"A large portion of native Christians were spread over Madras; and in consequence of the numerous cases of intemperance among them, the name of *Christian* was synonymous with that of *drunkard;* and when the Hindoos called a man a Christian, they for the most part meant that he was a drunkard. So among the converts of the Church Missionary Society and of the American Board of Missions, many had fallen through strong drink; for when once the natives broke *caste* and became Christians, they were no longer restrained from the use of strong drinks, and they became far worse than if they had never embraced Christianity. For one really converted Christian as the fruit of missionary labour—for one person 'born again of the Holy Spirit' and made 'a new creature in Jesus Christ'—for one such person, the drinking practices of the English had made *one thousand drunkards!* That was a sad thought; but it was the solemn truth. *If the English were driven out of India to-morrow, the chief trace of their having been there would be the number of drunkards they left behind.*"

So again, in regard to the Principality of Coorg, whose Rajah was deposed and his territories annexed by the Indian Government, four-and-twenty years ago, we find in the work of an American Missionary, lately published, a mournful description of the state of the country since it came

* Petition to Parliament from the Madras Native Association, p. 18.

into British possession. It must be premised that Mr. Mœgling, the Missionary in question, entirely approves the act of annexation, and does his best to blacken the character of the unfortunate Rajah whose property we confiscated. And yet these are the terms which he employs:—

"Little or nothing has been done for the education of the people. Nothing has been attempted systematically to raise them in intelligence and character; on the contrary it is a common complaint that three evils—drunkenness, sexual licentiousness and lying, have greatly increased during the Company's reign. In former days the native rulers suppressed drunkenness by summary and violent means; *now the Government draws a large revenue from the sale of intoxicating liquors.* Prostitutes were formerly turned out of the country, and Coorg men severely punished and degraded for intercourse with low-caste women; now, the wicked and shameless do as they please. In past times the Rajah would now and then cut off a man's tongue or his head for having spoken a falsehood; in these days the man who lies most impudently and swears most fearlessly, often gains the cause; when lies do not succeed, bribes do."*

We will add only one more testimony on this melancholy subject. It is that of Captain Westmacott, who has traversed India from one end to the other:—

"It is greatly to be deplored," he says, "that in places the longest under our rule, there is the largest amount of depravity and crime. My travels in India have fallen little short of 8000 miles, and extended to nearly all the cities of importance in Northern, Western, and Central India. *I have no hesitation in affirming, that in the Hindoo and Mussulman cities, removed from European intercourse, there is much less depravity than either in Calcutta, Madras, or Bombay, where Europeans chiefly congregate.*"†

But perhaps it may be said, that however undeniable and lamentable are the facts we have adduced as to the condition of the various classes of natives under our rule, the evils specified are not the *result* of our rule, but exist in spite of it. We cannot admit this exculpation. On the contrary, we believe it can be distinctly shown that a large proportion at least, of the evils complained of spring directly from the measures of government we have pursued there. It will suffice to refer to a few of these.

System of Landed Tenure.

1. Look, first, at the operation of the system of landed tenure we have adopted. It may be truly admitted that those systems have been adopted with no unfair intention. On the contrary, we believe that the men who established them,—Lord Cornwallis and Sir Thomas Munro, and others,—were actuated by the best motives. But the utter failure of their plans only proves how incompetent we, a handful of foreigners, were to govern a country with whose institutions and customs, and the character of its people, we were so wholly unacquainted as the arrangements we made in respect to the land prove us to have been. There are cases where sheer ignorance, when combined with presumption, leads to consequences as mischievous as positive and wilful tyranny. And this is one of them. No man who has at all looked into the case can doubt that the rapid extermination of the landed gentry, as well as the poverty and wretchedness of the ryot, are traceable in a [illegible] degree to the zemindary and ryotwarry systems of landed tenure which have been introduced, together with the abominable practice of "assumption," by which the government has absorbed by arbitrary spoliation so many private estates.

* Coorg Memoirs, p. [illegible]8. Quoted in Coorg and its Rajahs, p. 135.
† Quoted in George Thompson's Lectures on India, p. 12.

Neglect of Public Works.

2. Look, again, at the crying neglect—until within the last few years,—of all works for the material development of the country. Surely if we find a population in a state of deplorable misery, and find at the same time that all the measures most imperatively necessary for the cultivation of the soil, and for the conveyance of its produce for purposes of commerce, are systematically disregarded by the only power that can execute them, no man will doubt that these two things are connected together in the relation of cause and effect. Now it is a shameful fact,—but there is abounding evidence to prove that it is a fact,—that the Indian Government, while drawing an enormous revenue from the country, have not only not constructed such public works and roads themselves, but have suffered those which had been constructed by former rulers to fall into ruin in almost every part of India. How, indeed, could it be otherwise? Their revenues have been constantly expended upon wars of conquest and annexation, in gratifying that insane lust for territory, which has induced them to spread their nominal authority so ludicrously beyond their capacity either of occupation or government.

The native petition of Madras, to which we have previously referred, draws a melancholy picture of the neglect of public works and its consequences. They state that the reservoirs and channels for purposes of irrigation, upon which not merely the fertility of the soil, but the practicability of its cultivation, is dependent, "are of the remotest antiquity, and were in former times exceedingly numerous; but at the present moment not more than four-fifths of those still existing are kept in repair, while others have altogether disappeared, although causing a decline in the agriculture of the presidency, equally hurtful to the ryot and the revenue;" that although "an impost is annually levied for their repair," the roads are so bad that even that from Madras to Calcutta, called the Great North Road, "a few miles from Madras is not distinguishable from paddy fields; and *piece goods have to be brought on the heads of coolies from Nellore, 110 miles distant, and situated on this very road;*" that in other parts of the country things are of course still worse, that "the district of Cuddapah, measuring 13,000 square miles, has nothing that deserves the name of a road," but mere "tracks impassable after a little rain." The Petition then refers to the monstrous demand made by the Government that the wretched ryots should construct the roads. We cite that passage at length:—"That the unwillingness of the Company and the local government to expend money on the construction of roads requisite for the interchange of traffic from province to province, and from the interior to the shipping ports along the coast, would be incredible if it were not a notorious and substantiable fact; and it is still worse that they should pretend the ryots ought to make them at their own expense; for, pressed down as they are by a heavy load of taxes, which renders them too poor to purchase Company's salt for their miserable food of boiled rice and vegetables, the latter too frequently wild herbs, the spontaneous produce of the uncultivated earth,—unable to supply themselves with clothes beyond a piece of coarse cotton fabric worth two shillings, once in a twelvemonth,—it is impossible for them to find the means or time for road-making gratis, even if they possessed the skill requisite for the purpose; and your Petitioners submit that it is the bounden duty

of the State which reduces them to their miserable condition, and keeps them in it from charter to charter, to spend a far larger portion of the revenues upon the improvement of the country whence they are derived from than it does at present. *It can find money to carry on wars for self-aggrandizement, to allow immoderate salaries to its Civil Service, to pension off the whole of its members on five hundred pounds a-year, each, and to pay interest at* 10 *per. cent. to the proprietors of East India Stock*—all from the labour of the ryot; and when he requires roads by which he might find the means of bettering his condition, and that of the revenue, he is told that he must make them for himself."* Or, if this native testimony be disputed, there are plenty of others to the same effect. The *Friend of India*, of April 24, 1851, says:—

"One of the most serious charges brought against the administration of the Company in India has always been the neglect of public works, and the disadvantageous contrast which it exhibits, not only to the civilized Governments of Europe and America, *but also to its less enlightened predecessors the Mahommedans.* It is impossible for any man to travel through the two provinces of Bengal and Behar, which have been longest in our possession, and which have yielded the largest amount of revenue, without a painful feeling that the charge is not without foundation. The appearance they present after more than ninety years of occupancy, is that of the neglected state of a spendthrift landlord. *For one good road we have constructed, we have allowed twenty others to disappear.* We have erected one magnificent city, and every other city of note has been allowed to go to ruin. With the exception of the Trunk Road, and the public edifices in Calcutta, there is nothing throughout these provinces to show that they have been for nearly a century under the government of the same people who have rendered their own country a theatre of wonders."†

Mr. Norton, in his work on Madras, published in 1854, says:—"It is clear that the old works of irrigation are not kept in a sufficient state of repair . . . . . and the result is, *so large a space of land is not now cultivated as formerly*, and it is reckoned that in the twelve chief irrigation districts [of Madras] there are 1,262,906 acres of land, with an assessment of 4,754,802 rupees, *once irrigated and cultivated, now lying waste.*"‡ The same writer says, that Mr. Dykes, in his work on *Salem*, informs us that there are in that district alone, at the present time, 8,864 wells, 218 dams, 164 small channels, and 1,017 small tanks, of which no use whatever is made.

Lieutenant Tyrrell writes as follows—"Regarding the present state of the country, it is deplorable to one who compares this old country with England, or any country on the Continent, particularly when he comes to examine it attentively, and finds that *there are tracts of ground formerly cultivated lying waste, and overgrown with dense jungles; that broken tanks are met with constantly; and villages, formerly large and flourishing, are now perfectly deserted.*"

A correspondent of one of the Indian journals who was travelling in the interior, says:—

"In travelling over the country the villages, especially away from military or civil stations, appear to have greatly deteriorated from their former condition. Tanks, wells, caravansaries, and temples, which bespeak a superior attention to all the appliances of life, are rapidly crumbling to pieces, without being replaced;

* Petition to Parliament from the Native Madras Association, pp. 21, 22.

† The Government of India under a Bureaucracy, p. 92.

‡ Norton's Madras, p. 30.

and the private houses of the village ryots, of any respectable size or appearance, are all of old construction. . . . . . Many villages are almost entirely shut in and concealed by high dense masses of prickly pear, which must themselves generate malaria, and prevent its dispersion from the town or village. It is lamentable to see a collection of hovels at places where the remains give evidence of former prosperity; and it is no pleasant task to write on the subject; but good will not be effected unless evil be exposed and forced on public notice. Something must be done to revive the expiring trade and energies of the country, if we would redeem our high promises to it as governors and Christians, and prevent the ryots suffering a degradation almost to the condition of beasts which perish. Educational or charitable efforts near the seat of government have no general effect, for you cannot teach or enlighten a starving people. But improve their condition generally, and the desire for knowledge and superior comfort and appliances will infallibly accompany the means of obtaining them."

And even so late as April, 1855, no less an authority than Colonel Cotton, the chief engineer of the Madras Government, says:—"Imagine a portion of England without a mile of made road, canal, or railway, without a bridge, and wholly impracticable to anything but a man on foot, or an animal, and not even to them for several months in the year; and then suppose this tract of land to be cut off from the ocean by from 100 to 500 miles of country, and an idea will be formed of the state of the people of India."*

System of Justice and Police.

3. As another illustration of the extent to which the misery of the people is attributable to bad Government, let us now turn to the question as to *the protection of life and property, and the administration of justice under British rule in India.* No one will dispute that this is as effectual a test of good government as can be found,—whether the great mass of the people are protected in life and property, and can obtain certain, speedy, and cheap justice. And unless men of the highest position and character in that country have grossly and wilfully belied themselves, it may be safely affirmed that there is no part of the world that will less satisfactorily respond to this test than British India. And let us first take the testimony of the Protestant Missionaries of Bengal. Mr. Kinnaird, in calling attention to the Petition which he presented to the House of Commons from that body, thus describes them:—"Of no one party, but connected with various Christian denominations, conversant with the every day lives of the people, unconnected with the Government and civil service, gentlemen of British birth and liberal education, with English ideas of justice: what one body in India is so calculated as they, to take a just view of the social condition of the people?" We have a copy of that Petition now before us. And what does it say? "Your Petitioners greatly fear that it will be found, on inquiry, that *in many districts of Bengal neither life nor property is secure;* that gang-robberies of the most daring character are perpetrated annually in great numbers, with impunity, and that there are constant scenes of violence and contention respecting disputed boundaries between the owners of landed estates." Another Petition, presented to Parliament in 1853, signed by 1800 Christian inhabitants of Bengal, thus speaks:—"The police of the lower provinces totally fails as respects the prevention of crimes, apprehen-

* Quoted in Ludlow's "British India," vol. ii., p. 314.

sion of offenders, and protection of life and property; but it is become an engine of oppression and a great cause of the corruption of the people;" that "torture is believed to be extensively practised on persons under accusation;" and that "all the evil passions are brought into play," &c. But we come now to a still higher authority, that of the Hon. F. J. Halliday, Lieutenant-Governor of Bengal, who wrote an elaborate Minute "On the state of the Police and of Criminal Justice in the Lower Provinces of Bengal," a copy of which is now before us. This document is not the less worthy of attention because the authorities at the India House did their utmost to prevent its seeing the light. But what does Mr. Halliday say?—That "for a long series of years complaints have been handed down from administration to administration, regarding the badness of the Mofussil police under the government of Bengal, and as yet very little has been done to improve it;" that "throughout the length and breadth of the country the strong prey almost universally upon the weak, and power is too commonly valued only as it can be turned into money;" that "it is a lamentable but unquestionable fact, that the rural police, its position, character, and stability as a public institution, have in the lower provinces deteriorated during the last twenty years;" that "the criminal judicatories certainly do not command the confidence of the people;" that "whether right or wrong, the general native opinion is certainly that the administration of criminal justice is little better than a lottery, in which, however, the best chances are with the criminal; and this is also very much the opinion of the European Mofussil community;"* &c., &c. Is any more testimony required on this point? If so, we have it at hand in abundance. "A long resident in India," quoted by Mr. Kinnaird in his published speech, says:—"The police is not the worst in the world, only because, in the proper acceptation of the term, there is no police at all, but *a system of organised chicanery and oppression*." Dr. Cheevers, a writer, also quoted at large by Mr. Kinnaird, says:—"No man in his senses will resort to a court of law in Bengal. The result is only sure to that side which can lie with most assurance, and bribe with the longest purse. What with delay, the inefficiency of the magistrates and judges, the unblushing corruption which prevails from the highest to the lowest officials, the civil servant only excepted, justice is the scarcest of all commodities in Bengal. There is no doubt of it. In every part of Bengal which I have visited, I never met with but one opinion about it. From Burdwan in the north-west to Chittagong in the far south-east, the testimony of all classes of people is uniform: all agree that *the Courts of the Company are nests of corruption, perjury, and injustice*."† If any additional evidence were required on this point, we can produce that of one whose authority on such a question no one will impugn—the Lord Chief Justice of England. On the presentation of a petition from the natives of Madras to the House of Lords in 1853, the Duke of Argyll complained of the strong language employed by the petitioners in stating their grievances, on which Lord Campbell said:—

"He had sat for many sessions on the Judicial Committee of the Privy Council. The appeals which had come before the Committee from the Sudder

* Minute of the Honorable F. J. Halliday, pp. 1, 11–13.
† Bengal: its Landed Tenure and System of Police, by the Hon. A. Kinnaird, pp. 22-26.

Adawlut,* which was the highest court in India, had impressed him with the highest idea of the legal attainments and great experience of the judges of that court . . . . . But whenever the proceedings of the inferior courts had come before the Committee, he had been compelled to feel that the gentlemen who occupied the bench in those courts were wholly uninformed of the principles on which justice should be administered. In this country a long course of experience—twenty years at least—was considered necessary to qualify a man for a judge; but in India a young man dispatched from the College of Haileybury, with at best a very imperfect acquaintance with the languages of India, was at once made a judge. He had not even the advantage of only acting in that capacity—for one day he was a judge of civil cases, the next a collector of revenue, and the next a police magistrate. He (Lord Campbell) had no doubt those young men went out with the best intentions—he believed indeed they were ingenuous youths, but that they possessed none of the qualifications of judges, and the consequence was that their decisions were often entirely opposed to every principle of justice. The noble Duke who had spoken in the course of the debate, had, he thought, been somewhat prudish in his criticisms upon the phrases which had been used by the natives of India in describing their grievances; it was not reasonable to expect them to be very mealy-mouthed; *and for himself, as far as regarded the administration of justice in the inferior courts, he thought no language could be too extravagant in describing its enormities.*"†

There is, no doubt, one way of disposing of this immense mass of evidence, and a very summary and convenient way it is—if only it were safe. And that is to affect a lofty air of patriotic indignation, and without making the smallest attempt to disprove the facts or impugn the testimonies we have adduced, to brand as "un-English" those who drag them to the light. For that is the cant phrase which it is the fashion in these days, in lieu of reason and justice, to fling at the heads of all men who are not willing to connive at every act of wrong committed in the name of our country. We trust, however, the good sense of the English public, will be proof against that spurious patriotism which would try to divert them from honestly inquiring into a subject involving the fate of 150 millions of human beings, as well as the stability of our empire in the East, by such contemptible clap-trap appeals to their prejudices and passions. We trust they will turn round upon these utterers of bombastic flattery, and say to them, "It is all very well to go off into general declamation about 'English honour' and 'greatness,' and all that. *But are these things so, or are they not?* Can you disprove the facts alleged; can you show the falsehood of the testimonies cited? Here we have what seems to be an enormous mass of evidence from men of all classes and conditions, intimately conversant with India, and whose characters for veracity appears, unless you can prove the contrary, to be unimpeachable. These witnesses include Governors-General, Governors of Provinces, Members of Council, Commanders-in-Chief, Judges, Magistrates, Civil and Military Officers in the service of the Company, Missionaries, Merchants, Journalists, Travellers, and are we to believe that these men have conspired to lie for no purpose but to slander their country? Are there no men who respect 'the honour of England' but you? And is there no way by which men can testify their care for that honour, except by flattering the vices of their country or of those who represent it in distant lands, by defending in our own case the same policy that we

* It is obvious that the Lord Chief Justice made a verbal mistake in saying the "Sudder Adawlut;" he was really referring to the Queen's Judges, and meant to say, the "Supreme Court."

† Hansard, vol. cxxiv., p. 647.

vehemently execrate and denounce in the case of others, and thus do all that lies in our power to hurry our country into courses of aggression, violence and injustice, which, if there be a God in heaven, cannot be either honourable or safe to any nation or individual. If things be in India as is alleged, we insist upon their being sternly enquired into and remedied, and by so doing we believe we shall best testify how highly we respect our country's honour and greatness."

OUR FUTURE POLICY IN INDIA.

WHAT is to be the future policy of England in relation to India is the question that must now anxiously engage the attention of every man jealous for the honour of his country, and interested in the happiness of his kind. In approaching this question, we must assume that the revolt will subside, and that order and peace will be restored throughout the whole of that vast peninsula. But that being assumed, we ask—How do we propose to deal hereafter with this great dependency of the British Empire? In entering upon this discussion, we beg to assure our readers that we have no intention whatever to present them with a plan for the future government of India. Heaven forbid that we should be guilty of such presumption! *That* is a task that will tax to the uttermost whatever of wisdom, experience, or statesmanship, is to be found among our legislators —a task that, we confess, appears to us beset with difficulties so numerous and appalling as almost to inspire despair. So far as we know, from such acquaintance with the past as we have been able to gain, there is nothing to be found in all the records of history at all analogous to the relation subsisting between this country and its great Indian Empire. Instances enough there are, of course, of conquerors overrunning a foreign land, taking possession of its soil, and reducing its inhabitants to a state of social and political subjection. But, in such cases, the conqueror has been usually accompanied or followed by colonists of his own race, who have settled down permanently in the new acquisition, become naturalised to the soil, and, to a certain extent, amalgamated with the people. But the peculiarity in our case seems to be this,—that nature and providence appear to have placed an obstacle in the way of our ever colonizing India, in the proper sense of that term, because the English constitution refuses to acclimatize in that country. So far as past experience enables us to judge, it would appear that over large portions, at least, of our territories in India, though adults going out from this country may with care and prudence live for years, the climate is found fatal to the children of British parents. So that, unless perpetually replenished by fresh importations from this country, the probability is, that the race would completely die away in the course of three or four generations. This peculiarity necessitates that Englishmen must be always comparatively few, and always foreigners, in India.* Such being the case, you have to govern a

* "Those who have not been in Bengal are not aware of the effects which its climate has upon the European's constitution..... His generation, even supposing him to be married to a European woman, dwindles and falls off to such a degree, that the third generation from the original settler, is but little removed in manners and disposition, from the old inhabitants of the country; and, therefore, except by a constant drain from the mother country, the full benefits of this colonization cannot be expected."—*Duke of Wellington's Supplementary Despatches*, vol. i. p. 36.

country removed from you at a distance of 15,000 miles—a country extending over an area of nearly a million square miles, and with a population of 150 millions of souls. These people are, moreover, aliens from us in race, language, and religion; in their ideas of government and morality; and separated from us by social institutions, habits, and manners that will constitute, for a long time at least, an insurmountable wall of partition between them and us. And this is not all; for when we come to analyse this immense mass of human beings, we find that, so far from being homogeneous among themselves, they are divided again into numerous diversities of race and creed, and language and customs. This is the people for whom we have to devise a system of government which shall develope the resources of the country without enslaving its inhabitants—a system which must not so affront their principles and habits as to excite hostility, or so compromise our own as to debase ourselves and provoke their contempt—a system which shall maintain our ascendancy without involving their degradation—which shall transplant the forms of Western civilization into a moral soil, differing in almost every conceivable respect from our own—and a system, finally, which must differ wholly from the one we have attempted hitherto, and which, after an experiment of a hundred years, has proved to be in almost every respect a comparative if not an utter failure.* Whether this is practicable, we do not presume to say; but we are devoutly thankful that the responsibility of discovering the way to do it does not rest upon our intellect or conscience. Our object, however, is not to deal with the politics, but with the morals, of this great question, and to lay down certain principles, which not only the requirements of natural justice and Christian morality, but the experience of the past, seem to point out as indispensable to be observed and practised if there is to be any chance of our retaining our Indian Empire at all.

I.—No more Conquest and Annexation.

And, first, we remark that there ought to be an end, once for all, and once for ever, to that system of annexation and conquest so insanely and iniquitously pursued in India. The avidity for land, the insatiable earth-hunger with which we of the Anglo-Saxon race are afflicted, seems to be really a moral disease. Look round, for a moment, at the present extent of our enormous colonial possessions in all parts of the world. In North America, in South America, in the East Indies, in the West Indies, in Australia, in New Zealand, in Southern Africa, in Western Africa, we have unbounded wastes of territory unoccupied and uncultivated, affording ample scope for the English race to expand and develope itself for a thousand years to come. And yet the cry is constantly "Give, give," like the daughter of the horse-leech. In regard to India there is less excuse for the indulgence of this greed for territory than in any part of the world. If we look, for instance, to North America, or Australasia, we find in them a plausible justification of our encroachments, in the fact that those great countries are very sparsely populated, and only by tribes of wandering and degraded savages. We utterly deny our right to seize

* "Whatever were the causes of the outbreak, you may search the records of history far and wide, before you come across an instance of so vexatious and extraordinary a failure on the part of a governing power in the administration of its political trust."—*Mr. Gladstone's Speech at Chester.*

the land, even of these poor savages, without ample and *bonâ fide* compensation. Still, in those regions there are unquestionably immense tracts of country not brought under culture, or made subservient to the purposes of human subsistence and comfort. But India is already thickly peopled by an ingenious and industrious race, who had attained to a high state of civilization (though not of our type), and an extraordinary proficiency in works, both of industry and art, many centuries before our forefathers had emerged from barbarism.*

And yet this is the country, the possession of which we have grasped with an eagerness and haste which have defied prudence as well as justice. Not content with having secured free access for purposes of commerce and Christianization to every part of the peninsula—not content with having obtained command over almost the whole line of its immense sea-board—not content, even, with having acquired the ownership of the three great Presidencies, the proper rule and management of which would have afforded ample occupation to all our energies and resources for ages to come—not content with all this, we have gone on with insatiate cupidity adding estates, principalities, provinces, and kingdoms to our territories, until our nominal possessions have reached an extent so enormous, as to render it impossible that we should govern them efficiently. To give some idea of the rate at which this work has been carried on of late years, let us take the case of our last Governor-General, Lord Dalhousie. He occupied that post for just eight years. Here is an enumeration of some, though far from all, his exploits of that nature within that brief space:—He annexed the Punjaub, with an area of 78,000 square miles and a population of 7,000,000; he annexed Berar, with an area of 80,000 square miles and a population of 4,000,000; he annexed Pegu, with an area of 20,000 square miles and a population of 1,500,000; and he annexed the kingdom of Oude, with an area of 24,000 square miles and a population of 3,500,000. "Without including," says *The Examiner*, "some minor annexations, such as Sattara and Jahnsi, the noble lord has thus added to our Indian dominions countries equal to twice the extent of the three United Kingdoms, with a population exceeding in number all the inhabitants together of Belgium, Holland, Denmark, and the two Scandinavian kingdoms."

And let it be specially observed, that this policy has been pursued directly in the teeth of the opinions pronounced by almost every man who has attained any distinction as an Indian statesman. The Duke of Wellington, Sir Thomas Munro, Sir John Malcolm, Sir Charles Metcalfe, Sir Henry Russell, Mountstuart Elphinstone, General Briggs, Mr. Shepherd, Mr. St. George Tucker, and Lord Ellenborough, have all protested against this

* Sir Thomas Munro, when examined before a Committee of the House of Commons, said:—"With regard to civilization I do not exactly understand what is meant by the civilization of the Hindoos. In the higher branches of science, in the knowledge of the theory and practice of good government, and in an education which, by banishing prejudice and superstition, opens the mind to receive instruction of every kind, they are much inferior to Europeans. But, if a good system of agriculture, unrivalled manufacturing skill, a capacity to produce whatever can contribute to convenience and luxury, schools established in every village for teaching reading, writing, and arithmetic; the general practice of hospitality and charity amongst each other; and, above all, a treatment of the female sex full of confidence, respect, and delicacy, are among the signs which denote a civilized people, then the Hindoos are not inferior to the nations of Europe; and if civilization is to become an article of trade between the two countries, I am convinced that this country will gain by the import cargo."

system, as pregnant with danger to ourselves, and with degradation to the people of India. We can only cite, very briefly, a few testimonies from this great cloud of witnesses. Many years ago, the Duke of Wellington wrote,—"In my opinion, the extension of our territory and influence has been greater than our means." The words of Sir Thomas Munro have already been cited, to the effect that the advantages of protection for life and property derived by those of the inhabitants of India whom we have already subdued "are purchased by the sacrifice of independence, of national character, and of whatever renders a people respectable;" so that, in his opinion, "*the consequences of the conquest of India by British arms would be, in place of raising, to debase the whole people.*" Sir John Malcolm says:—"I am convinced that, though our revenue may increase, the permanence of our power will be hazarded in proportion as the native princes and chiefs fall under our direct rule. Considering, as I do, from all my experience, that it is now our policy to maintain as long as we can all native states now existing, and through them and by other means to support and maintain native chiefs and an aristocracy throughout the empire of India, *I do think that every means should be used to avert what I should consider as one of the greatest calamities, in a political point of view, that could arise to our empire—viz., the whole of India becoming subject to our direct rule.*" Sir Henry Russell says:—"The danger that we have most to dread in India lies entirely at home. A well-conducted rebellion of our native subjects, or an extensive disaffection of our native troops, is the event by which our power is most likely to be shaken; and the sphere of this danger is necessarily enlarged by every enlargement of our territory. The increase of our subjects, and still more of our native troops, is an increase, not of our strength, but our weakness."

Those who may wish to see more of these authorities, as well as those we have cited in brief, given *in extenso*, are referred to the very able work of Mr. J. B. Norton, entitled "The Rebellion in India: How to prevent Another," pp. 81–92.

We may appeal against this system of annexation, not only to the authority of great names, but to the still more emphatic testimony of facts. In every respect it has proved a failure. There can be no doubt that one of the main objects kept in view by those who have pushed forward this process of wholesale absorption has been to improve the revenue of the Indian Government. But, so far from attaining that end, it is found that, just in proportion as they annex territory, do their finances become more deranged, and their deficits more formidable. Lord Dalhousie, indeed, in the Minute which he issued on quitting his office, attempted to show that his enormous spoliations had been profitable to his masters. And he did this in a very summary way, by stating the amount of additional revenue derived from the annexed states, but omitting all account of the additional charges they involved. But Sir Erskine Perry, in a speech delivered in the House of Commons in April, 1856, proved beyond all question, from official documents laid before Parliament, that the charges immensely exceeded the receipts. He takes as his example the principal annexations of Scinde, Sattara, the Punjaub, and Nagpore, omitting Pegu, because the returns had not been laid before the House, and Oude had only just been annexed. And what is the result? On comparing the revenues with *the civil charges*

only of these four states, he shows that there is a net deficit of £278,026. "But," he continues, "it is to take a very inadequate view of the value of annexation, if we do not consider the cost of military occupation and defence, whatever that may be." This is nowhere given in the accounts, and some hardy annexationists are bold enough to assert that there is no such item—in fact, that a mere extension of our frontier or territories only requires fresh cantonments for our troops, but no additional force. Inexorable figures, however, tell a different tale. Here is a comparison of the military charges of 1837–8, or the year before the Affghan war, with the year 1852, when the war charges only figure for the small sum of £67,203.

Military Charges.

1837–8, the year before the Affghan War ...	... £6,725,957
1852, ...	... 9,742,776
Increase of permanent Military Charges	£3,016,819

So may robbery ever prosper!

But if the system fails thus financially, how does it answer as respects the security of our rule in India? Let the present state of things in that country answer. To what has the success of the mutiny, in a military point of view, been ascribed? To the necessity the government was under to send so much of its European force to garrison its new conquests in the Punjaub, Scinde and Pegu. And where has the rebellion raged most fiercely? In Oude and Sattara, the scenes of our last unrighteous acquisitions. On the other hand, who have proved most faithful to us in this crisis? Those native princes whose territories we had *not* annexed: Holkar, Scindiah, the Nizam, and the Rajahs of Rajpootana. Indeed, it may be safely affirmed, that if these had not proved faithful,—if they had given the signal for general insurrection, no power on earth could have saved our empire in India. Or if, as some of the disciples of Lord Dalhousie's school had actually counselled, we had annexed their territories as we did those of the King of Oude, can any man doubt that we should have had the same mortal struggle in every one of them as we have now in Oude? And does not all this speak trumpet-tongued in condemnation of that unprincipled policy?

But we may be told, and are constantly told, that this system of annexation is inevitable,—that we are impelled onward by an irresistible destiny against which it is vain to contend. We wholly deny the truth of this immoral and impious doctrine. We maintain, as regards communities, no less than individuals, that they are never placed under *necessity to commit crime*, except such as arises from the indulgence of their own evil passions. We earnestly intreat our countrymen to fling from them this wicked plea as they would the suggestions of the devil. It is a plea that undermines the very principle, nay the very possibility of anything like international morality; for if every sovereign or every state is allowed to plead in justification of their aggressions and robberies upon their neighbours' rights and possessions this convenient excuse of an inevitable destiny, the whole world must be at once converted into a den of thieves. Indeed, it is high time that this abominable doctrine should be resisted and denounced. It is already made the pretext for all sorts of political iniquities.

Napoleon pleaded it in defence of his career of conquest and blood: he was only following "the star" of his destiny. The supporters of the slave-trade and slavery employ it in vindication of their practices: it is "the destiny" of the children of Ham to be in servitude to the white race. The American fillibusters urge it triumphantly as their "right divine" to become pirates and freebooters: they are only fulfilling "the destiny" of the Anglo-Saxon race on that Western Continent. And, certainly, we do not see why a Palmer, or a Rush, or a Redpath, may not use it as an apology for their crimes as plausibly as the East India Company or the British Government may for theirs.*

And, in point of fact, when we come to examine the actual historical cases to which the doctrine is applied, we find that there is not even a shadow of foundation for this attempt to evade our moral responsibilities. Will anybody tell us what "inevitable necessity" obliged Lord Auckland to invade Affghanistan, lying many hundreds of miles beyond our frontier, and that at the very time when its ruler had not only been guilty of no offence, but was earnestly anxious for our alliance and friendship? Where was the "necessity" which compelled us, after recognizing the Ameers of Scinde as independent princes, and treating with them as such, to obtain from the poor puppet Shah Soojah, whom we attempted to force upon the Affghans as their king, a cession of his pretended rights of sovereignty over these very Ameers, and then deal with them as rebellious vassals, and compel them to enter into treaties with us which it was impossible for them to fulfil? What "necessity," except the necessity which leads a fool to act according to his folly, was laid upon Commodore Lambert, to make the insolence of two of his subordinate officers to the governor of Rangoon a pretext for beginning war against the Burmese empire, which ended in an annexation of one-third of its entire territories? Can any mortal man show what "necessity," save that which arose from the impulses of his own ambitious and utterly unscrupulous nature, obliged Lord Dalhousie to annex Nagpore, or Sattara, or Oude, when their princes were not only at peace with us, but were our faithful and attached allies? Away, then, with this nefarious plea! It is a plea suitable enough to the characters and pursuits of Thugs, and pirates and swindlers, but utterly dishonourable to a civilized and Christian nation.

II.—Not Government by the Sword.

Another principle that both justice and experience seem loudly to teach is this:—that we must relinquish the attempt to govern India by the sword. This has hitherto been avowedly and even boastingly the principle of our rule. "We have gained India by the sword, and we shall keep it by the sword," has been the axiom laid down with a tone of vaunt and defiance. Fashionable as it may be now to pour unmeasured execration on the Sepoys, our readers need not very severely tax their memories to bring up before their minds a very different manner of regarding and characterising them. They were wont to be spoken of in terms of high admiration and eulogy, as our "brave," "faithful," "loyal," native

* If we may believe Milton, this is precisely the plea which the "Father of Lies" himself employs in self-justification:—

"So spake the fiend, and with *necessity*,
The tyrant's plea, *excused his devilish deeds*."

army, who, when trained by British discipline, and led by British officers, were equal to the accomplishment of any task, and constituted the right arm of our power in India. But we believe that, even apart from the perils of mutiny, to which our authorities in India were so blind, the existence of the enormous military force which we have maintained in India has been in every respect a curse and a calamity to that country. It has exhausted its resources by an expenditure amounting of late years to *twelve millions and a half* annually. It has presented a strong temptation to the Government to undertake acts of aggression and plunder, by placing at their disposal, ever ready for use, and even imperatively calling for use, this mighty instrument for mischief. It has diverted their attention, as well as their means, from works of internal improvement and general good government, by teaching them to rely for stability and success upon the strong arm of brute force, instead of such measures as would tend to conciliate the affections and the loyalty of the people. No more conclusive evidence of this need be required than is afforded by comparing the prodigious sums expended on the army, with the miserable driblets doled out for public works. And yet, despite the deplorable result of this experiment of ruling by the sword in times past, there are many who still insist upon laying down the same brute axiom as the corner-stone of our policy in India. But how is it to be carried out? It seems pretty clear that we dare not for the future entrust the safety of our Indian Empire to the care of a native army. *Quis custodiet ipsos custodes?* What then is to be done? Why, the darling idea of governing 150 millions of people by terror and violence must on no account be relinquished: we must therefore be prepared to keep up a European force of 50,000, 80,000, or 100,000 men. Indeed, if the sword is to be the foundation of our rule, even the last-mentioned number will be found scanty enough, and in our judgment far too scanty, for the work they have to do.*

But let us look for a moment at what is involved in this proposal. Is it possible, and, if possible, is it desirable or safe? Mr. Ludlow, in his admirable work recently published, entitled "British India: Its Races and History," adverting to this idea, says:—

"As far as I can judge, from careful enquiry amongst those competent, it is simply idle to talk of holding India permanently by an army of 100,000 Englishmen, as we hear sometimes. Do those who talk so largely know or recollect that every European soldier costs £100 by the time he is landed in India?—that his tenure of life when there is precisely that of a Cuban slave? that every European regiment has to renew itself in seven years? Then 50,000 Europeans only represent a dead loss of human capital of more than £700,000 a-year, over and above pay and other current expenses. What would it be, if the European had the duties thrown upon him which are now thrown upon the Sepoy?—if he had to march and do all his work habitually in hot weather? I have asked; and the answer of such an Indian officer has been, 'His life would not be worth two years' purchase.

* In a remarkable pamphlet lately published by a native gentleman, entitled "Thoughts of a Native of Northern India on the Rebellion," we find the following:—"If the Government are determined to irritate the people and turn every hand and heart desperately against them, I do not think that even 300,000 European soldiers will ever be able to keep India *quiet*; though 50,000 of them are quite sufficient to turn it into a perfect desert."

Neither would India stand such a drain of gold, nor England of blood, as would be required for such a purpose."*

To the same effect are the statements made in an article recently published in the *Edinburgh Review*, and evidently written in the interest of the Government. "Europeans," we are told, "serving in India annually lose 10 per cent. by death, while natives lose only 1½ per cent. . . . . To maintain in India a British army of 50,000 men, the country must be prepared to raise 15,000 men per annum, to supply the loss of life and provide for the necessary reliefs."† And, of course, if we maintain an army of 100,000, we must provide annually 30,000 men for supplies and reliefs. That is, we should be obliged every ten years to send from among the young and vigorous manhood of our population 300,000 men out to India, to perish by climate and the hardships of the service, at the rate already indicated. Does anybody believe that this is within the limit of possibility?

But if it were, there is another fatal objection in the expense. Everybody knows that even before this outbreak, and in a time of so-called peace, the Indian finances were in a most unsatisfactory condition, with an annual and annually-increasing deficit. The power of taxation from all sources seems to have reached its utmost limit. The only chance of making India more productive, is by laying money out largely in such public works as are indispensable to the development of its material and commercial resources. But how is this to be done, if the utmost farthing of revenue that you can wring from the people, is to be expended in the support of enormous military forces for the purposes of menace and repression?

But there is another objection of a still more formidable nature, to which we earnestly bespeak the attention of our countrymen. Suppose we *could* maintain a British army of 100,000 men in India, and that it were at the disposal of the government of the day, or of the Horse Guards, what security should we have for our liberties at home? For this huge body of mercenaries would be in addition to our own regular standing army at home, to increase which greatly, we have no doubt, strenuous attempts will be made by the war party. With the great and daily-increasing facilities of communication with and transport to and from India, nowpossessed, is it a mere fantastic fear, or a real and terrible possibility, that at a period of great political excitement, which may yet arise in the history of our country, such as preceded the passing of the Reform Bill, or the Repeal of the Corn Laws, a Minister intent upon resisting and repressing the popular will, may summon in a few weeks 25,000 or 50,000 Indian troops to his aid? Are we resolutely to shut our eyes to the lessons of history on this subject? How were the liberties of Rome destroyed? Precisely in this way. The extent of her conquests compelled her to maintain immense armies in her remote provinces; and these, when summoned back, became the willing instruments of tyranny at home. "The decline of Rome," says Gibbon, "was the natural and inevitable effect of immoderate greatness. Prosperity ripened the principle of decay; the causes of destruction multiplied with the extent of conquest; and as soon as time or accident had removed the artificial supports, the stupendous fabric yielded to the pressure of its own weight. The story of its ruin is simple and obvious; and instead of inquiring *why* the Roman Empire was

* British India: Its Races and History, vol. ii., p. 232.

† Edinburgh Review, p. 37.

destroyed, we should rather be surprised that it had subsisted so long. *The victorious legions, who in distant wars acquired the vices of strangers and mercenaries, first oppressed the freedom of the republic, and afterwards violated the majesty of the purple.*" But, much more recently, and much nearer home, we have had a warning example, which it would be the height of infatuation to overlook. There can be but one sentiment, and that of deep execration, in this country, at the atrocious and dastardly attempt lately made upon the life of the Emperor of the French. But, amid all our horror and indignation of that crime, we must not forget that the state of things in that country is such, that no friend of freedom can look upon it without bitter regret. Every trace of liberty has vanished. The noblest minds of France are either in exile, or so fettered, gagged, and humiliated, that they dare not give any utterance to their thoughts. And by what means has a country of thirty-six millions of souls, certainly among the most intelligent and civilized on the face of the earth, been brought to this condition of abject political servitude? What was the instrument in their enslavement and degradation? We entreat our readers to mark this answer—*The Army of Algeria.* It will be found that this is strictly correct. The officers who were the ready implements for suppressing every trace of liberal institutions in France—your Bugeauds, and St. Arnauds, &c.,—were men who had been trained in that school of African conquest. The men who had fleshed their swords upon the Arabs were equally ready, when occasion came, to strangle the liberties of their own country, and to sweep the streets and boulevards of Paris with their dastardly and deadly fusillades. And with such beacon lights burning before us, shall we quietly see an Indian army of 50,000, 80,000, or 100,000 men put into the hands of our rulers?

III.—Just Treatment of the Natives.

But there is a third principle which we would lay down for our Indian rule, and which necessarily follows from the last: namely, that we must treat the natives with justice, conciliation, and kindness. This is our answer to the question which we have no doubt the worshippers of brute-force as an instrument of government will put to us on reading what we have just said:—"If we are not to govern India by the sword, how are we to retain possession of it?" We say, then, that you never can retain possession of it by the sword. The only way you can do so is by so ruling the people in righteousness and mercy as to give them an interest in the permanence of British supremacy, and to this end it is indispensable that we should associate them with ourselves in the government of the country. What has been hitherto the course we have pursued in this respect? For many years the natives were totally excluded from all offices of emolument and trust. When Lord William Bentinck was Governor-General, he made some efforts to break down this British *caste,* as arrogant and offensive as anything to be found in Hindoo caste. But even now the distribution of the honours and advantages of office is monstrously unfair as regards the natives.* And still worse is the *animus* displayed towards them in this respect, the mean, grudging, jealous spirit with which the privileges of power are guarded against them. We will give one illustration of this. In the

* See Appendix B.

Company's Charter Act of 1833, Parliament inserted the following clause:—"That no natives of said territories, nor any natural born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said Company." Loud were the self-gratulations over our own virtue and liberality which this clause called forth at the time. But mark the result: Mr. Cameron, a gentleman long and intimately acquainted with India, writing in 1853, just as the Company were applying for another renewal of their charter, says:—"The statute of 1833 made the natives of India eligible to all offices under the Company. *But during the twenty years that have elapsed, not one of the natives has been appointed to any office, except such as they were eligible to before the statute.*" One special case may be mentioned, which shows the *animus* of those in authority. A young native of the name of Chukkerbutty, relying, we presume, upon the reality of the above provision in the charter of 1833, came over to this country—at what a sacrifice and expense may be readily conceived—to complete his education as a medical man. He passed through his examinations with the highest credit, and had testimonials of the most satisfactory nature from his teachers, so that there was no shadow of doubt of his qualification. So disciplined and prepared he applied for admission into the Company's service as assistant-surgeon. But the Directors, one and all, refused to nominate him, for no other reason whatever, but that he had the misfortune to have a dark skin and to have been born in India.

In adopting this course, and treating the natives as a conquered and inferior race, on no account to be admitted to political and official equality with ourselves, we are not only violating the dictates of justice and of Christian morality, but we are disregarding all that the experience of the past has taught to be wise policy with a view to permanent success. It is, perhaps, barely conceivable, that we may by mere dint of superior cunning and brute force maintain our supremacy in India, not by elevating the natives to our own level, but by crushing and keeping them down under our feet. But if we are ambitious of impregnating India with our own civilization and faith, and of erecting there the noblest monument to our own glory, by the formation of its teeming millions of souls, into an intelligent, virtuous, and progressive community, we must—or all history and experience are liars—admit them to the rights and privileges of citizenship which we claim for ourselves.

"By all means it is to be procured," says Lord Bacon, "that the trunk of Nebuchadnezzar's tree of monarchy be great enough to bear the branches and the boughs; that is, that the natural subjects of the crown or state should bear a sufficient proportion to the strange subjects they govern; therefore all states that are liberal of naturalization towards strangers are fit for empire, for to think that a handful of people can, with the greatest courage and policy in the world, embrace too large extent of dominion, it may hold for a time, but it will fail suddenly. The Spartans were a nice people in point of naturalization, whereby, while they kept their compass, they stood firm; but when they did spread, and their boughs were become too great for their stems, they became a windfall upon the sudden. Never any state was in this point so open to receive strangers into their body as were the Romans, therefore it sorted with them accordingly, for they grew

*to the greatest monarchy. Their manner was to grant naturalization, (which they called "jus civitatis,") and to grant it in the highest degree, that is, not only "jus commercii, jus connubii, jus heriditatis;" but also "jus suffragii," and "jus honorum," and this not to singular persons alone, but likewise to whole families, yea, to cities, and sometimes to nations. Add to this, their custom of plantation of colonies, whereby the Roman plant was removed into the soil of other nations, and putting both constitutions together, you will say that it was not the Romans that spread upon the world, but it was the world that spread upon the Romans, and that was the sure way of greatness.'**

It is sometimes pretended by the upholders of the present system of exclusiveness, first, that the natives are incompetent for occupying offices of trust and power, and secondly, that they are quite content with the arrangement under which all such offices are given to their foreign conquerors, while they are permitted to live in peace under their protection. In refutation of these assertions, we cite the following authorities:—

Sir E. Perry, formerly Chief Justice of the Supreme Court, at Bombay, and President of the Board of Education, in a speech delivered in the Town Hall, Bombay, said—

"All the civil business in the Company's courts is, in the first stage, conducted, generally speaking, by native judges. They are what the French would call judges of the first instance, and, from their decisions, appeals lie to European judges, from whose judgments again an appeal lies to the Sudder Adawlut. It naturally follows that, on these latter appeals, a close comparison is made between the decisions of native and European functionaries. Now I learn from the judges of the Sudder Adawlut, that it was publicly stated in open court, by two leading members of the Bombay bar, that, with a few distinguished exceptions, the decisions of the native judges were, in every respect, superior to those of the Europeans."

Mr. Norton, in his work on the "Administration of Justice in Southern India," makes a similar comparison, which redounds to the credit of the native bench in the Southern Presidency. He says:—

"I will coincide in the opinion that it was wise and just to give the natives a larger share than heretofore in the administration of public justice, and believe that, on the whole, the measure has worked well. It would be inexpedient to recede from that measure; indeed, I hope to see the day when educated natives shall be admitted to a far wider extent in all departments of the public service. My own conviction, arrived at by a careful perusal of the Sudder Reports, is, that the native judges, as a body, are more capable of weighing testimony, and far more often arrive at reasonable conclusions, than the English gentlemen, who are placed immediately above them."

Colonel Sleeman, an able, zealous, and impartial officer in the service of the British Indian Government, speaking of the effect already produced by increasing native agency, says, from his own experience and observation:—

"The consequence is a degree of integrity in public officers never before known in India, and rarely to be found in any other country. In the province where I now write, which consists of six districts, there are twenty-two native judicial officers, moonsiffs, Sudder ameens, and the principal Sudder ameen; and in the whole province I have never heard a suspicion breathed against any one of them, nor do I believe that the integrity of one of them is at this time suspected. The only one suspected within the two and a half years that I have been in the province, was, I grieve to say, a Christian, and he has been removed from office, to the great satisfaction of the people, and is never to be

* "Of the True Greatness of Kingdoms and Estates."

employed again. Arrian, in speaking of the class of supervisors in *India*, says:—'They may not be guilty of falsehood; and, indeed, none of the Indians were ever guilty of that crime.' I believe that as little falsehood is spoken by the people of India in their village communities, as in any part of the world with an equal area and population. It is in our courts of justice where falsehood prevail most; and the longer they have been anywhere established, the greater the degree of falsehood that prevails in them. Those entrusted with the administration of a newly-acquired territory are surprised to find the disposition among both principals and witnesses in cases to tell the plain and simple truth."

In a pamphlet published and extensively circulated in England in 1843, by an intelligent native named Shahamut Aly, now in the service of the Indian Government, it is said:—

"It has been often asserted by partial writers, that the natives are happier under the present rule than they were under their former rulers; such a conclusion is the result partly of ignorance and partly of misconception. Are the natives happier because they have been thrown out of employments of trust; because they have been deprived of all offices of honour as well as of their hereditary lands; because, by the exaltation of their masters, they have been degraded and despised? Considering their privations, the natives have not any adequate cause to be happy, and a moment's reflection will convince any thinking mind of the truth of this remark."

Sir John Malcolm, late Governor of Bombay, in his able work on the Government of India, says:—

"We must not conceal from ourselves the causes which have combined to exclude the natives from any share in the administration of India. It is an overweening sense of our own superiority, a love of power, and an alarm, which I deem groundless, that as their interests are advanced, those of European agents will be deteriorated. But if I am right in believing, as I conscientiously do, that unless they are treated with more confidence, elevated to more distinction, and admitted to higher employment, we cannot hope to preserve for any long period our dominions in this country, no feelings of considerations should be allowed to oppose their gradual progress in every civil function and employ. By raising the most active and eminent of the natives of India in their own estimation, and that of others, we shall reconcile them, and, through them, the population at large, to a government which, daring to confide in its own justice and wisdom, casts off the common narrow and depressing rules of foreign conquerors."

Colonel Walker has remarked:—

"The most prominent feature in the civil government of the Company, is the almost entire exclusion of native agency. The offices held by natives are only those of the lowest description, such as could not be the object of ambition to the European. To natives of rank and education, no temptation is held out which can induce them to engage in the service of the Company; a very little consideration will be sufficient to show that no circumstance tends more strongly than this to impair the efficiency of our Indian administration, and even to render its duration precarious. The admission of natives to offices of power and profit is the only mode by which they can be effectually conciliated; it is vain to expect that men will ever be satisfied with merely having their property secured, while the paths of honourable ambition are shut against them."*

But it is not merely as regards admission to office that our conduct towards the natives requires amendment. Our whole treatment of them

* These, and a variety of other testimonies to the same effect, are cited in a very able pamphlet "On the Civil Administration of the Bombay Presidency," by Nowrozjee Furdoonjee, Translator and Interpreter to Her Majesty's Supreme Court.

must be altered. It is not very easy to get at the truth on this matter. The Anglo-Indian community are almost all infected with that pride of race and pretension of conquest, which induce them to treat the natives with arrogance and contempt; they are little disposed therefore to "peach" against each other. But facts nevertheless do creep out, and facts which go far to explain the desperate and deadly hatred which the late revolt has proved to exist in the breast of the natives towards their British masters. We cite a few testimonials on this subject, to which we bespeak the attention of our readers. Captain Harvey in his work entitled "Ten Years in India," says that "young officers, on first commencing their military career, talk about those horrible black nigger sepoys;" "look down upon them as brute beasts;" "make use of opprobrious language towards them." "Where is the Englishman," he adds, "who would tamely submit to be dealt with as the natives of India often are? The very brutes that perish are not so treated. . . . . Our good folks in England know not of the goings on in India. To maltreat a native is considered a meritorious act; and the younger branches of the service think it very fine to curse and swear at them, to kick and buffet them."*

Mr. Ludlow, in his work previously referred to, says:—"A relative of mine wrote to me from India only the other day, that he had known an European officer who kept an orderly for the sole purpose of thrashing his native servants; that another was recently tried for beating his orderly because he did not thrash his servants hard enough. Another relative of mine," he continues, "an officer in a Bombay regiment, wrote lately, in terms of just disgust, at the conduct of the young officers of his corps towards their native servants; maltreating them, leaving their wages unpaid for a twelvemonth; and yet some of these men were so faithful, that they would pawn their own clothes to procure grain for their master's horses."†

Sir Charles Napier's correspondence abounds with similar allusions. "If I know anything," he says, "of good manners, nothing could be worse than those of Englishmen in India towards natives of all ranks. I speak of the manners of the military of both armies." On one occasion he refused officers a passage in his merchant-steamers on the Indus, knowing "that they would go on board, occupy all the room, treat his rich merchants and supercargoes with insolence, and very probably drink, and thrash the people."‡

Mr. Bayard Taylor, a respectable American traveller, though admiring greatly our empire in India, is obliged to say on this subject:—"There is one feature of English society in India, however, which I cannot notice without feeling disgusted and indignant. I allude to the contemptuous manner in which the natives, even those of the best and most intelligent classes, are almost invariably spoken of and treated. Social equality, except in some rare instances, is utterly out of the question. The tone adopted towards the lower classes is one of lordly arrogance; towards the rich and enlightened one of condescension and patronage. I have heard the term "niggers" applied to the whole race by those high in office; with the lower order of the English it is the designation in

* Ten Years in India, vol. ii., pp. 35, 36.
† British India and Its Races, vol. ii., p. 357.
‡ Life of Sir C. Napier, vol. iii., p. 408.

general use. And this, too, towards those of our own Caucasian blood, where there is no instinct of race to excuse their unjust prejudice. Why is it that the virtue of Exeter Hall and Stafford House can tolerate this fact without a blush, and yet condemn with pharisaic zeal the social inequality of the negro and white races in America?"*

In the very last acconnt of life in India, published within a few weeks, containing the experience of two young ladies only just returned from that country, we find the same thing continually coming out, and all the more strikingly, because it comes out quite incidentally, without any consciousness of its being other than entirely a matter of course. The we read of a lady addressing an Indian servant as "You donkey;" of gentlemen keeping a large store of boots and other miscellaneous articles beside their beds for the purpose of pitching at the head of their "punkah man;" of a young officer who "had never paid his men anything since they had entered his service." The conduct of a gentleman who occupied the post of magistrate at Meerut, and who is represented as a remarkably good-humoured pleasant man, is thus described:—"In his judicial capacity he, of course, was at liberty to inflict personal chastisement on his servants, which he occasionally did, and after sounds of a general scrimmage in his room, he would emerge looking heated and languid from his exertion, when he would remark with great simplicity, that his fool of a bearer would hand him an unbecoming waistcoat; for which dire offence he had been compelled to shy all the moveables in the room at his (the bearer's) head." So again, the young ladies speaking of their brother's feelings towards the natives, say, "Keith had a most absurd horror of a native's coming near him; he declared he could detect the copperish smell of the colouring matter in their skins the instant they entered the room, and he would much sooner be touched by a toad than by one of their clammy hands."

And yet this very work contains many testimonies to the gentleness, affection, and fidelity of these native servants. "It was delightful," we are told, "to see the native servants amusing the little English children; their patience seems inexhaustible. Thoroughly childish in their ideas, they easily suit their play to their little companions' intellect; and I have watched them by the hour unweariedly amusing a cross little thing, imitating a tiger or elephant, walking on hands and knees about the floor with the little charge mounted on their back, and inventing endless games. They are never tired or put out of temper, but seem really to enjoy it; and certainly the child repays their care with an affection I have never seen evinced to an English servant." And when the young ladies' brother was laid up with dangerous illness we are told that "Keith's bearer sat day and night at the door of the room, and never seemed absent an instant from his post, always watchful and attentive.' †

We will produce only one other witness on this point,—Mr. Francis Horsley Robinson, a highly respectable gentleman, who resided long in India. In the pamphlet already quoted, he says, adverting to the contempt with which the natives of all grades are treated by our countrymen: "The existence of this feeling [of contempt] towards them is known to the natives and rankles in their hearts. It is shown by

* "A Visit to India, China, and Japan, in the Year 1853," by Bayard Taylor, p. 273.
† "The Timely Retreat," pp. 149, 152, 189, 217.

their careful avoidance of the society of Englishmen. Formerly they were frequent visitors at the houses of the officers of Government, and their constant companions in field sports; now they never approach them but when compelled by the demands of business or self-interest. Nor is this aversion at all extraordinary; for it is difficult to convey to the people of England an adequate notion of the harshness and rudeness with which even the highest people in India are treated. Nothing seems more to astonish those few natives of India who visit England, than the civility with which they find themselves received, especially in the higher classes."* Now, we say confidently, that if we are to retain India, or to retain it to any purpose but that of reducing 150 millions of people to the most abject humiliation, all this must be changed. We must learn "to do justly, and love mercy, and walk humbly with our God." The plea urged by the Anglo-Indians, for excluding natives from office, and for assuming this lordly air of superiority toward them, is the necessity of maintaining the *prestige* of Englishmen. But if our *prestige* can be maintained only by the degradation of 150 millions of people, we say let it fall. On this point we cite with pleasure the noble language of Sir Charles Metcalfe, when a similar selfish plea was urged against a plan which he proposed for the elevation of the natives.

"There may be those who would argue that it is injudicious to establish a system which, by exciting a free and independent character, may possibly lead, at a future period, to dangerous consequences . . . . But supposing the remote possibility of these evil consequences, that would not be a sufficient reason for withholding any advantage from our subjects. Similar objections have been made against our attempting to promote the education of our native subjects; but how unworthy it would be of a liberal government to give weight to such objections. The world is governed by an irresistible Power, which giveth and taketh away dominion; and vain would be the impotent prudence of men against the operation of its almighty influence. All that rulers can do is to merit dominion by promoting the happiness of those under them. If we perform our duty in this respect, the gratitude of India and the admiration of the world will accompany our name throughout all ages, whatever may be the revolutions of futurity; but if we withhold blessings from our subjects, from a selfish apprehension of possible danger at a remote period, we shall merit that reverse which time has possibly in store for us, and shall fall with the mingled hatred and contempt, the hisses and execrations of mankind." †

IV. Fair Adjustment of the Religious Question.

There is another principle on which we must strenuously insist, namely, that what is called the religious question should be dealt with, not according to the dictates of national or sectarian pride, but according to the principles —and it would be impossible to have a truer guide—of justice and charity which Christianity itself inculcates. There are not two opinions now as to the shameful and scandalous policy formerly pursued on this subject by the East India Company—the policy which, under the influence of the

* "What Good may come out of the India Bill," pp. 21, 22.
† "Life of Metcalfe," vol. i., p. 369.

most sordid and selfish motives, warned off the messengers of peace and mercy from their Eastern dominions, as if they had been plague-stricken men, while it extended ostentatious patronage to the degrading Hindoo superstitions. That, however, has been to a great extent, if not altogether, remedied. So far as any remnant of that system still exists, let it be abolished with all possible speed. But even in doing that, we must not allow our zeal to outrun our honesty. The principal charge, we believe, in this respect made against the Indian Government is, that it pays out of its revenues certain tributes to the support of heathen temples—a most objectionable and unseemly arrangement. But if these tributes are in the nature of a commutation for lands and other property belonging to those temples, which our Government has appropriated, we have no right to plead our conscience in bar of payment, if we retain the original endowments. No professions of zeal or sanctity can prevent such acts from being robbery, and it is impossible to believe that they should be acceptable in His sight, who "hateth robbery for a burnt offering." Nor should we even attempt by such legal juggling, as unhappily has too often sufficed in India, to trick the natives out of their estates, to evade our obligations in this matter. If our Christian convictions forbid (as they ought to forbid) our seeming to patronize heathen worship by contributing to its support, let us honestly restore the lands or endowments, of whatever nature, which we have resumed on the understanding, when such resumptions were made, of granting an equivalent in some other form.

The danger, now, as it appears to us, on this religious question, lies in a direction opposite to that into which the rulers of India formerly fell; that is, in a disposition to undertake the work of promoting or patronising Christianity by the authority of Government. No good can possibly come out of that. If there be one fact that stands out clearly amid the confused and contradictory reasons assigned for the recent mutiny, it is this—that the Sepoys were really alarmed at the supposed intention of the Government to beguile or coerce them by means of the unclean cartridges to abandon their religion.* It is admitted, also, by most of the missionaries, that one of the most formidable obstacles in the way of their gaining access to the people's confidence, is the impression they have, which it is almost impossible to remove, that they (the Missionaries) are the agents of the Government. "The missionary," says Mr. Clarkson, "is viewed by many with peculiar prejudice, arising from an idea that he is an agent of the Government, commissioned to destroy the people's faith."† It is obvious, then, that nothing could be more fatal than any attempt to propagate or even to favour Christianity by the authority of the State. There is one way, indeed, in which the Indian authorities, and the Anglo-Indian community generally, could do much to facilitate the progress of the gospel; that is, by acting, both in their personal and official capacity, in a manner more in harmony with its spirit and precepts. For our part we have the strongest conviction that no effectual progress will be made in the conversion of the natives, so long as our whole system of policy is such as to give the loud lie to the most vital principles of the religion we profess. How can we hope to convert them to a religion of peace, while they see us inces-

* This point is brought out with great clearness and force, by an analysis of the official documents, in Mr. Crawshay's pamphlet, "The Immediate Cause of the Indian Mutiny."
† "India and the Gospel," p. 164.

stantly engaged in sanguinary and often aggressive wars, which manure the soil of India with the richest blood of her own sons? How convert them to a religion which pretends to inculcate the observance of strict right between man and man, even to the extent of doing unto others only what we would they should do unto us, while they see us annexing their kingdoms, confiscating their estates, wresting from them by fraud or force their most sacred rights and possessions, and grinding them to the earth by extortionate taxation? How convert them to a religion of equality and brotherhood while our whole demeanour betrays a pride of race as arrogant, exclusive and tyrannical, as their own most offensive forms of caste? How convert them to a religion of forgiveness and mercy, while our lips breathe nothing but the fiercest rancour and revenge, hardly to be satiated by any amount of torture or blood? No, no! We may raise funds in abundance; we may make our missionary machinery as perfect as we please; we may have bishops as plenty as blackberries over the whole extent of the peninsula; but it is utterly out of the question that we can make the people believe a religion, which by our conduct we loudly proclaim, that we do not believe ourselves. "Another considerable obstacle," said one of the speakers at the Missionary Conference in Calcutta, in 1855, "is, that we appear in the eyes of the natives as of the same race as the conquerors of their country. The natives hold us, as Europeans, to blame for all that they dislike in the administration of the Government. 'Talk of your goodwill,' said a Talookdar the other day, 'did not your countrymen pass the resumption laws, and take away the lands that our pious ancestors had consecrated to religious purposes?'"* To the same effect is the testimony of Mr. Hume, an American missionary who wrote some years ago:—"This country was conquered at an immense expense of treasure and blood; the government still retain it by the power of the sword; and the effect is most unhappy on the minds of the natives, who regard the missionary as the representative and teacher of a religion which lends its sanction to war, nor seeks to restrain its professors from the rage of conquest and the lust of gain."

The Rev. F. Schurr, of the Church Mission, also read a paper at the Calcutta Conference, in which he remarks:—

"The bad example of many Europeans, their desecration of the Lord's-day, their incontinence, and their severity or brutality, embitter the minds of the natives against all Europeans. Ryots judge of all Europeans from the planters who come to this country merely for gain, and, after making a fortune, leave it again with no sympathy for, and no more interest in it. . . . Not unfrequently have I been reproached, by those who knew me not, with being paid by the Company, and preaching the gospel only because I was paid for it. This is also thrown into the teeth of the native preachers whom we employ . . . It thus comes to pass, that the natives have but an indifferent regard for the religion of Europeans, and *I have sometimes heard natives say they did not wish to go to that heaven in which such and such a planter would be.*† The ryots generally

* "Proceedings of a General Conference of Bengal Protestant Missionaries," p. 40.

† This reminds one of the story related by Las Casas of the Cuban chief doomed to death by the Spaniards for resisting their seizure of his country. When Hatuey was fastened to the stake, a Franciscan friar, labouring to convert him, promised him immediate admission into the joys of heaven, if he would embrace the Christian faith. "Are there any Spaniards," says he, after some pause, "in that region of bliss which you describe?" "Yes," replied the monk, "but such only as are worthy and good." "The best of them," returned the indignant cacique, "have neither worth nor goodness. I will not go to a place where I may meet with that accursed race."

believe that the Christian religion consists in having no caste, *i. e.* no self-respect in eating beef, and drinking freely, and in trampling upon the social, political and religious rights of the niggers."

Nor, certainly, will it mend the matter should the natives find that the missionaries and their supporters in this country, instead of denouncing the iniquities perpetrated by our countrymen in India, are conniving at them by a studious silence, or through a profane abuse of the doctrine of Providence, in which they make God directly a partaker in men's sins, are ready to become the open apologists and defenders of the most flagrant acts of usurpation and plunder. Will anybody believe, for instance, that it would incline the inhabitants of Oude to listen with a favourable ear to the voice of Christian truth, if from the same lips that uttered it, they heard the annexation of their country and the confiscation of their estates declared to be a wise and righteous measure, because it afforded him (the preacher) a better opportunity for assailing their religion and promulgating his own? We feel a respect so sincere and profound for the promoters and agents of the Missionary enterprise, that it is with inexpressible regret we have observed this disposition on the part of some of them to wink at our national misdeeds in the East, or even to vindicate them as a means of promoting Christianity. But Christianity *cannot* be promoted by robbery and wrong. We would venture with the utmost deference to remind these gentlemen, that the missionaries who have been most honoured and successful in their work, and have won for themselves and their cause the homage and veneration of mankind, have always been men who have stood forth as the protectors of the heathen races among whom they laboured, against the wrongs and oppressions even of their own countrymen. For, unhappily, the history of the intercourse of so-called civilized and Christian nations with heathen races is ever a history of oppression and wrong, and the missionaries of the gospel have always had to choose whether they would side with the oppressors or the oppressed. The truest and noblest of them have never hesitated between their patriotism and their Christianity, but have boldly resisted and exposed the iniquities of their own countrymen. So did Las Casas and Father Mola with the Spaniards at Hispaniola. So did Nobrega and Vieyra with the Portuguese in Brazil. So did Eliot and Brainerd in respect to the North American Indians. So did Dr. Philip and Mr. Read as regards the treatment of the Hottentots and Kaffirs in South Africa. So did Smith, "the martyr of Demerara," and Knibb and Burchel, the true heroes of Negro emancipation, as respects the slaves in the West Indies. So did John Williams in reference to the conduct of our reprobate countrymen towards the inhabitants of the South Sea Islands. And so—all honour to them for the act—did the Bengal Missionaries in their admirable petition to Parliament on the wrongs and sufferings of the natives of India under British rule.

But why should the friends of missions show themselves eager to throw the shield of a religious sanction over flagrant acts of political immorality from which the conscience, even of what are called men of the world, revolt? Why should they bring their great cause into dishonour by winking at unjust wars, aggressions on native rights, and open breaches of treaty, under the plea that such proceedings open a way for the gospel? And why should any of them, by the use of language that is, to say the least, equivocal, seem to demand from the Government measures of coercion or patronage against

the native superstitions and in favour of Christianity, which implies an utter misapprehension of the nature, and a total distrust of the power, of their own religion? We may be quite certain of this,—that if Christianity is to triumph in India, in the only manner in which its triumphs can be genuine and lasting,—that is, by winning the homage of willing hearts,—it must be, not *because* it is, but *in spite of* its being, the religion of the conquerors.

We have indicated thus some of the *principles* which we conceive ought to be observed in dealing with India. But the *measures* required are many. The systems of landed tenure in India, prolific as they are of oppression and impoverishment to the people, urgently require revision and change. The administration of justice, in respect to which Lord Campbell has declared, in a passage already cited, that "No language could be too extravagant to describe its enormities," ought to be dealt with in a bold, comprehensive, generous spirit. The system of organized corruption, plunder, and torture, which now exists under the name of Police, must be taken in hand promptly and vigorously. Some means of raising revenue should be found from other sources than the misery of the people, like the salt tax; or their industry, like the tax on implements of labour; or their vices, like that from the sale of opium and arrack. The measures so imperatively demanded for developing the material resources of the country, such as works of irrigation, roads and canals, must be entered upon, not in the grudging, half-hearted, parsimonious spirit hitherto displayed by the Indian Government, but with something of the eagerness, energy, and liberal profusion which we have bestowed upon nothing in India but the prosecution of war, and the annexation of territory. It surely is time to try whether the spade, the mattock and the plough, will not produce results more satisfactory and profitable than the sword. Cotton and sugar, and other articles of legitimate and honourable commerce, should be substituted for opium, the traffic in which is accursed of God and man, cruelly oppressive as it is to the native cultivator, most precarious as a source of revenue, everyway infamous as regards the Chinese, whether Government or people, and morally (unless, indeed, morals are to be for ever banished from the domain of international affairs, and we are to proclaim ourselves practically political Atheists), a stain upon our character and a sting in our conscience, as a people. Some method also should be discovered of doing justice as between the Indian Government and native states, princes and rajahs. Nothing can be more monstrous than the present system. When any dispute arises between these two parties, the Government appoints one or two of its own servants to inquire and adjudicate between itself and its opponent, and upon their bare *ex parte* report does not scruple to pronounce and execute the most sweeping judgments of deposal, forfeiture of inheritance, and wholesale confiscation, for its own profit always, and very often for the direct personal aggrandisement of those who had to investigate and decide. Hitherto such wrongs as these have been wholly without remedy; for when discrowned princes and other natives of India have appealed in person or otherwise to the authorities at home, they have been met with the miserable mockery of a reference to the Indian authorities by whom they had been wronged. "India," says an able writer, in the current number of the *Westminster Review*, "needs a High Court, supreme arbiter in international Indian

questions, over the Indian Government, just as our Courts of Law are over our executive. Every prince of India, and the British Government, should be liable to be sued, and be able to sue, in this court; and, except by verdict of the court, the Government should have no more power to touch a prince's inheritance than our executive to touch a baron's estate."

Above all, we think that the friends of India Reform should insist upon the appointment of an Imperial Commission, to go out to India itself as soon as the rebellion is suppressed, to inquire into the actual condition of the country, and of the people; a commission composed of men of the highest character and qualifications, and most especially and emphatically not under the influence, direct or indirect, of the East India Company. This is absolutely indispensable as the basis of intelligent legislative action—not, indeed, as regards the constitution of the government at home, in respect to which we can judge here as well, if not better, than in India; but as regards the measures necessary to develop the resources, to rectify the wrongs, and to promote the well-being and prosperity of India itself. The absence of authoritative information, such as would be supplied by the evidence of such a commission, has been always a formidable difficulty in the way of those who have laboured in Parliament for the benefit of India. For their statement of the abuses and grievances of which they were complaining, have been always met by counter-statements on the part of the representatives of the East India Company, put forth with such a show of authority, and sustained by such an array of official documents and returns, picked and cooked for the occasion, that however far were the complainants from being convinced, they were at least, for the nonce, effectually silenced and discouraged. A notable illustration of this is afforded by the question of torture in Madras. When the existence of such a practice was asserted in the House of Commons, forthwith Director after Director got up, swelling with indignation and surprise, real or affected, and denied the fact in the most positive and peremptory terms. But since then the Commission of Inquiry, appointed by Lord Harris, has proved by superabundant evidence, not only that torture was practised by Government officials, but that it was practised habitually, universally, and in a perfectly notorious manner. More than that, Mr. Malcolm Lewin has proved that the existence of this practice might, nay must, have been known to the authorities both in India and in England. This he does, by the simple process of re-printing a Report, addressed by himself as Judge of Circuit, to the Madras Government in 1840, in which he declares, on evidence that had come before him as Judge, that the use of torture, by the police in our employ, was "as regular and habitual as any other part of their duties."*

So is it constantly as respects the general condition of India. Specific allegations of misrule are encountered by elaborate general pictures, drawn in the brightest colours, of marvellous progress and universal prosperity and contentment. An array of statistics about revenue and public works, and imports and exports, is marshalled before the bewildered eyes of the Legislature and the country, in such confident fashion as to leave on their minds only an impression of the stupendous audacity of those who can dare to challenge the perfection of a system productive of such results, and the monstrous ingratitude of the people in India that could repine at and rebel against

* "Torture in Madras," by Malcolm Lewin, p. 10.

so paradisaical a rule. *How these representations are estimated in India, however, is perfectly well known to those conversant with the India press.* Mr. Macleod Wylie, in a very able pamphlet,* recently published, referring to these Leadenhall Street boasts issued in 1853, at the last renewal of the Charter, says:—"The superiority of India to any colony in prosperity and in the nature and in the beneficence of her Government, was a matter of boast. It was said that there were expensive and noble public works, and that there were large cash balances in the various treasuries; and there were members in the House of Commons to rebuke any suspicions or doubts of the paternal influence of the British Government, or of the contentment of the population. We who lived here might be surprised at this, if we knew of there being only one road worth the name in Bengal; if we had reason to believe the stories about torture which were denied at home; if we knew that, except in the case of the Ganges Canal and the works in the Punjab, the extensive public works prior to 1854 were simply repairs of jails, court-houses and public offices; if we suspected that the large balances, declared to be in the hand of Government, were unsubstantial; if we knew that the money that was wanted in India was kept at home to an extent far beyond any probable want, by the home authorities; and if we looked round in vain for an energy, earnestness, and public spirit, corresponding with that which was rapidly elevating our native land. . . . . .

"We in Bengal, and our fellow-subjects in Madras, know well that all is *not* peace, contentment, and prosperity. We know how the work of education was extolled, when, in fact, it reached only a few thousands of the upper classes, pampered them with an effeminate feast of trifling literature, and turned them into a race of selfish, noisy, disaffected infidels. We know that poverty, like an armed man, has been stealing over the fertile territory, alike of Madras and Bengal; we know here of rent-laws and sale-laws, which probably constitute the most oppressive fiscal laws in the statute-book of any nation; we know of unprotected tenures, and of cultivators *en masse* in the power of landlords, who, without restraint, can tax them at their pleasure, and who, by law, are authorized 'to compel their attendance.' We know of this oppressive system, and of the energies of the people wasting under it; and we know that between 1824 and 1852 no attempt had been made to relieve the evil. We believe that the cultivators have been sinking lower in temporal circumstances, and in mental depression. We know that Bengal was practically ungoverned. We know, too, that while public works, and in particular railways, were proposed in 1830, nothing was done till 1850. . . . We know as to Calcutta, the great reservoir of Indian trade, that it had, and has still, only one inadequate canal for the access of all its hundreds of thousands of tons of land produce. We know that great portions of the country in that year of 1852 were as little known and as little accessible as the island of Ceylon.*"

* "The Commerce, Resources, and Prospects of India," by Macleod Wylie, Esq., pp. 3-5.

APPENDIX.

A.

As an illustration of the use that may be made of general statistics to blink the truth, we may take the speech delivered by Sir James Hogg in 1853, on the debate connected with the renewal of the Company's Charter. The orator, we are told, had "produced a picture which had told powerfully on the House," by contrasting the statistics of one period of our Indian rule with those of another. Among other results brought out by that process was an enormous increase of revenue. But when Mr. Blackett--a name which every friend of India Reform must pronounce with sorrow—came to analyze Sir James' statement, it was far from sustaining that impression of the general prosperity of our Indian dominions which it was meant to produce. We subjoin an extract from Mr. Blackett's able and acute speech :—

"Taking the two terms of 1833–34 and 1849–50, the accounts of the latter term being more convenient for reference, and more intelligibly and fully given than those of 1850-51, he found that the total net produce of the revenues of India in the first case was £13,765,425, and in the second case, £19,576,089, showing very nearly an increase of £6,000,000, or, in exact numbers, of £5,871,664. This increase was made up of £2,581,000 from opium; of £710,000 upon salt; of £101,845 upon tribute money, which could not be calculated upon as an ordinary branch of revenue; of £100,000 upon stamp duties; and of £2,445,000 upon land revenue. From this there must be deducted a falling off in the Customs duties amounting to £120,000. Would the House believe that the cost of collecting the £19,576,089 amounted to the enormous sum of £5,810,664, being 25 per cent on the net total? The hon. baronet (Sir J. Hogg) admitted the unsatisfactory state of the opium question; and, with regard to the small increase on stamps, what did Mr. Prinsep say on the subject of this tax? He stated that it was a tax on exhibits, petitions and witnesses—a tax on law proceedings—and that it was wholly of European origin, nothing of the kind having existed under any native government. After opium the main article of increase was that of land revenue, and was that the result of improved management, or did it arise merely from confiscations and an increase of territory—an extension in the area of taxation? Upon the answer to that question the whole merit of such an increase depended, as showing the excellence of the present system of Indian administration. Mr. Prinsep stated that not less than £1,500,000 of that sum arose from fresh territory, and that £500,000 more was the result of resumptions or confiscations in Bengal alone. Then, looking into the accounts, they found £211,367 under the head of tribute—from Nagpore, £60,000; from Rajpootana, £127,999; and from Cutch, £23,368— in addition to the £101,000 he had just quoted under this head; and the result of all this stood thus:—Total increase in land revenue £2,445,720; of which new states contributed £1,500,000, resumptions in Bengal made up another £500,000, and tribute money from the states he had mentioned £211,367; making altogether a total of £2,211,000. This left little more than £200,000 out of the £5,000,000 or £6,000,000 increased revenue which could be set down as the results of good management and improvements, including the unexplained and indefinite items for resumptions elsewhere than in Bengal, and without, as the hon. member for Manchester (Mr. Bright) suggested, making any allowance for the enormous increase of population."

B.

To give an idea of how offices are distributed, as between the natives and their British conquerors, or, at least, how they were distributed up to 1853, we subjoin an extract from the pamphlet already referred to, "On the Civil Administration of the Bombay Presidency, by Nowrozgee Furdoonjee," a native gentleman in the service of the British Government at Bombay, published in 1853:—

"All the situations superior in importance and profit in all the presidencies belong to, and are held exclusively by, the covenanted servants. No native has ever held a single

situation which belonged to the covenanted service. I subjoin a list of the covenanted situations of the Bombay Presidency, from the Almanac of last year, showing the *monthly* salaries of each office in Company's rupees :—

	R.	A.	P.
2 Members of Council, each	5333	5	4
1 Chief Secretary, including house-rent	3833	5	4
2 Secretaries, Government, each	2916	10	8
Deputy or Persian secretary and Oriental translator	1500	0	0
Private secretary to Governor	1500	0	0
Secretary in the military and naval department	2500	0	0
4 Judges of the Sudder Dewanee and Foujdaree Adawlut, each	3500	0	0
Registrar of the Sudder Adawlut	2000	0	0
Accountant-general	3407	6	6
Deputy accountant-general	2074	1	2
Civil Auditor and mint master	3333	5	4
Deputy auditor and mint master	1250	0	0
Sub-treasurer, general paymaster, and superintendent of stamps	2500	0	0
Postmaster-general	2000	0	0
Senior magistrate of police	2500	0	0
Collector of customs and opium agent	3000	0	0
Deputy ditto ditto	1400	0	0
Collector of Continental customs and salt excise	2333	5	4
Deputy ditto ditto	1000	0	0
2 Revenue Commissioners	3500	0	0
10 Collectors and magistrates	2333	5	4
1 Collector of Belgaum, and political agent S. M. country	2533	5	4
Assistant political agent ditto	700	0	0
Collector Rutnagherry	1916	10	8
Sub-collector of Nassick	1400	0	0
Enam Commissioner in the Southern Mahratta country	1000	0	0
12 First assistant collectors from	700	0	0
To	800	0	0
12 Second assistant collectors to	550	0	0
7 Third ditto	400	0	0
2 Judges and session judges	2333	5	4
1 Judge and session judge of Surat, and agent to the Governor	2833	5	4
Judge and session judge of Poona, and agent for the sirdars	2800	0	4
Joint judge and session judge of Ahmednuggur	1400	0	0
2 Senior assistant judges and session judges	1200	0	0
8 Assistant-judges, Sudder station	700	0	0
President at Buroda	3000	0	0
Assistant ditto	750	0	0
Resident in the Persian Gulf	2400	0	0
Assistant ditto	700	0	0
Commissioner at Sattara, political agent in Kattywar	2000	0	0
Political agent in Cutch	2022	0	4
Assistant ditto	700	0	0
2 Political agents in Rewakanuta and Molee Kantha	1200	0	0
Ditto at Aden	2000	0	0
Agent of Colaba	1400	0	0
British agent at Muscat	800	0	0
Assistant master and secretary to the mint committee	1500	0	0
Superintendent of roads and tanks, &c.	1218	0	0
2 Political superintendents of Sawant, Waree, and Kolapore, each	1400	0	0
4 Bheel agents—from	600	0	0
To	800	0	0
Superintendent of revenue survey	1000	0	0

"Contrast these long lists of appointments, *in Bombay alone*, very much superior in importance and profit, with the situations held by natives *throughout the whole of British India*. I annex a list of the latter, which is formed by the East India House authorities, and published in the Appendix to the Reports of the Commons' Committee, page 343 :—

1	receives	£1560	per annum.
8	"	840 to £960	"
12	"	720 to 840	"
68	"	600 to 720	"
69	"	480 to 600	"
58	"	360 to 480	"
277	"	240 to 360	"
1173	"	120 to 240	"
1147	"	24 to 120	"

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"THE OUDE QUESTION"

STATED AND CONSIDERED.

"THE OUDE QUESTION"

STATED AND CONSIDERED:

WITH REFERENCES TO PUBLISHED OFFICIAL DOCUMENTS.

BY

WILLIAM P. HALE, ESQ.,
OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

"He who goeth about to persuade a multitude that they are not so well governed as they ought to be, shall never want attentive and favourable hearers."—*Hooker, Eccl. Pol., lib. i. c.* 1.

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"THE OUDE QUESTION."

"WHERE is Oude?" and "What is the Oude Question?" are queries now frequent amongst those by whom the topics of the day are more often discussed than understood. The advent to England of the widowed mother of an Eastern Monarch who has been deposed from his hereditary throne by the virtual exercise of our national power in India, is a circumstance in our social history uncommon, if not unprecedented. The very concomitants of her travel, the numerous retinue, the guarded seclusion of the female members of the Oriental Court now in England, the peculiar habiliments (to English eyes) of those chiefs or members of the retinue who occasionally appear in public, all combine to raise public curiosity. The results of this natural inquisitiveness, inflamed, as it has undoubtedly been, by articles in the columns both of the daily press, and also of other periodicals, concentrate themselves generally in the secret proposition of the two questions we have quoted above. To furnish a fair, full, and efficient reply to such queries, is now our object. And if our readers will patiently bear with certain comparatively dry details, we have no fear of eventually convincing them that the old adage of truth being stranger than fiction holds as good now as it did in the days when from experience it was first propounded.

"Where is Oude?" The first question shall be first

answered. If we trace the course of the Ganges upwards from the sea, we shall find that the river, after quitting the lowlands of the Delta, formed by its numerous mouths, trends considerably, indeed almost directly, to the north west.

Still ascending the river, we pass the sacred city of Benares, and at Allahabad, distant about 400 miles direct from Calcutta, we reach the junction of the two great streams, the Jumna and the Ganges. The course of the former lies toward the west, while the Ganges has its sources in a more northerly direction.

Between Allahabad and the sea, the downward course of the Ganges lies through the once so-called provinces of Behar and Bengal; but about thirty miles north of Allahabad the northern bank of the river Ganges strikes the southern boundary of the Kingdom of Oude. The course of the river forms, for about two hundred miles, the south-western boundary of the Oudian territory. The north-eastern limit of Oude is marked by an offshoot of the great chain of the Himalayas, and whilst the northern and southern frontiers inclose between them a distance of somewhat over two hundred and fifty miles, the distance between the Ganges and the Himalayan branch may be reckoned at one hundred and eighty miles. The country of Rohilcund bounds Oude on the north, and, according to the Post-office authorities, Lucknow, the capital of Oude, is distant from Calcutta, 619 miles.

Thus far we have stated where Oude is, and so have endeavoured to answer the first query; but now comes the second interrogation, to which an answer must be given, "What is the Oude question?"

"The Oude question," then, is simply this *in statement*: —"Was or was not the Kingdom of Oude annexed, under "circumstances which, in fairness, equity, honesty, or "justice, warranted the measure then adopted?"

Some of our readers may possibly not be acquainted with the full meaning of the term "annexation." It shall

be explained by the words of Lord Dalhousie himself, as contained in a draft proclamation sent by him to the Resident at Lucknow, and afterwards by him published on the 7th of February, 1856*:—

"The Government of the territories of Oude is henceforth vested exclusively, and for ever, in the Honourable East India Company."

Annexation is in fact the assumption by Might of the property belonging to Right, that property to be dealt with exactly as Might may choose, without the slightest regard being given to the claims of Right, either individually or collectively, in the abstract or in the concrete.

But as it is clear that in all cases of annexation there must be two parties concerned, namely those who have property liable to annexation, and those who have power to annex it, we trust we may be excused for becoming very shortly discursive upon the earliest histories of the two parties concerned in this transaction, namely the Nawaubs (or, as they were termed in later years, the Kings) of Oude, and the East India Company.

We have endeavoured to make clear to our readers where Oude is. We wish to give them an equally brief sketch of its earliest rulers.

And here we most gratefully avail ourselves of the words which have been penned by one of the ablest writers upon India whom our age can boast, Thomas Babington Macaulay †:—

"The Empire which Baber and his Moguls reared in the sixteenth century," he says, speaking of the ancient Kingdom of Hindostan, "was long one of the most extensive and splendid in the world. . . . Some of the great viceroys who held their posts by virtue of Commissions from the Mogul, ruled as many subjects as the King of France, or the Emperor of Germany. Even the deputies of these deputies might well rank, as

* Blue-book of Papers relating to Oude, 1855, pp. 256, 295.

† Macaulay's "Essays," vol. iii., p. 118.

"to extent of territory and amount of revenue, with the "Grand Duke of Tuscany, or the Elector of Saxony."

Afterwards, speaking of the results of the death of Aurungzebe, the same distinguished scholar remarks *:—

"Wherever the Viceroys of the Mogul retained autho- "rity they became sovereigns. They might still acknow- "ledge in words the superiority of the House of Tamer- "lane; as a Count of Flanders or a Duke of Burgundy "might have acknowledged the superiority of the most "helpless driveller among the later Carlovingians. They "might occasionally send to their titular sovereign a com- "plimentary present, or solicit from him a title of "honour. In truth, however, they were no longer "lieutenants removable at pleasure, but independent "*hereditary* princes. In this way originated those "great Mussulman houses, which formerly ruled Bengal "and the Carnatic, and those which still," (written in 1840,) "though in a state of vassalage, exercise some of "the powers of royalty at Lucknow and Hyderabad."

Lucknow, just mentioned, was the capital and residence of the Nawaubs of Oude, and still is the capital of that province. As the original collision between the East India Company and the reigning authorities of Oude arose, from the early struggles of the Company in Bengal, with the still existing soubadars or viceroys of the Emperor of Delhi, and as it took place as late as the year 1764, very nearly fifty years after the death of Aurungzebe, we have perhaps shown sufficiently to our readers the originally potential character of those native rulers, one of whose descendants at least plays so active a part in the drama we are to unfold.

And now as to the early history of the other party to the annexation, the East India Company. Queen Elizabeth, in 1601, first granted a charter to a Company of merchants, to trade to the East Indies. In 1634 this Company obtained an Imperial Firman from the Emperor

* Ibid, p. 122.

Shah Jehan to trade with Bengal by sea, and establish a factory. In 1652 permission was granted to the Company by the same Prince to trade throughout the province of Bengal. In 1699 Fort William was completed, on the land where Calcutta also now stands, and the Company, under Imperial confirmation, continued to conduct their commercial affairs with success until 1756, when Seraj-ood-Dowlah, then Soubadar of Bengal, in consequence of a quarrel with the Governor, Drake, attacked and captured Calcutta. Calcutta was re-taken on the 2d of January, 1757, and Seraj-ood-Dowlah, marching against Lord Clive, was utterly defeated, and the first treaty was concluded between the Company and the Soubadar of Bengal.

In the same year, at the battle of Plassey, the power of Seraj-ood-Dowlah was destroyed, and Meer Jaffier Ali was installed as Soubadar; he was removed three years afterwards on the plea of incompetency, and Meer Cossim Ali Khan was installed in his stead. In 1763, however, Cossim Ali was deposed, and Meer Jaffier reinstated. Cossim Ali fled to, and allied himself with, Soojah-ood-Dowlah, the then Vizier* of Oude, who, after a series of reverses, came to his final overthrow on the field of Buxar, 23d October, 1764, a defeat which laid the power of the Nawaub of Oude at the feet of the Company.

It is right here to state that the treaties of which we shall subsequently have to give abstracts, or from which we shall have to extract paragraphs, are quoted from a Blue-book, which forms the return to an order of the House of Lords, dated 16th June, 1853, for "Copies of "the Treaties and Engagements between the East India "Company and the Native Powers in Asia." Such a source of information must be regarded as sufficiently authentic.

* The terms Nawaub and Vizier may be regarded as identical in respect of rank, the one being of Mahomedan and the other of Hindoo origin.

It was in the month of May, subsequent to the battle of Buxar, that the great Lord Clive landed in Calcutta, on his last return from England. In the following October, the first treaty actually made between the Nawaub of Oude and the East India Company was signed. It bears date 16th October, 1765, and the following are the principal provisions contained therein:—By Article 1, "a perpetual and universal peace, sincere "friendship, and firm union shall be established between "his Highness Soojah-ood-Dowlah and his *heirs* on the "one part, and his Excellency Nudjeem-ood-Dowlah and "the East India Company on the other; and everything "shall be carefully avoided which might hereafter pre-"judice the union now happily established." The Nawaub further binds himself (art. 2), in case of his employing the Company's troops, to defray the extraordinary expenses of the same, and (art. 3) never to receive the fugitive Cossim Ali. The Emperor of Delhi is by the 4th article maintained in his possession of Corah and portions of Allahabad, districts lying to the south and east of the present kingdom of Oude; and the Nawaub, by art. 7, has restored to him the countries of Benares and Ghuzeepore, which lie still lower down on the Ganges. The 6th article of the treaty is very important, not only as a result of the war which had just terminated, but as bearing a character which, more or less directly, pervades every subsequent treaty made between the Nawaubs of Oude and the Company—namely, the pecuniary benefit of the latter. By this article the Nawaub is bound, "in con-"sideration of the great expense incurred by the English "Company in carrying on the late war, to pay them fifty "lakhs* of rupees (500,000*l.*), in thirteen months;" and, as security for this payment, the strong fort of Chunar, or Chunargur, situated on the Ganges, between Benares and

* It may be convenient here to state that a *lakh* of rupees is equal to ten thousand pounds, and a *crore* of rupees is equal to one million sterling.

Allahabad, was to be occupied by the British troops, until the liability thus created had been fully discharged. In 1767, Lord Clive finally quitted Bengal, and in the following year the Nawaub of Oude having been accused, though unjustly, of levying troops, had to consent to an explanatory clause being added to the Treaty of 1765, by which he was bound to restrict his military force to thirty-five thousand men of all arms. (Nov. 29, 1768.) The money promised by the above-mentioned treaty was duly paid, and Chunargur given up by the British. In 1771, the Emperor of Delhi quitted Allahabad, and he then made over that fortress to the Nawaub or Vizier of Oude. These two important fortresses commanding the Ganges attracted the notice of the Court of Directors in England, and they repeatedly pressed upon the attention of the Government of India the importance of obtaining possession of them. This was at length effected, and on the 20th of March, 1772, an agreement was effected by which the Fort of Chunargur was delivered up by the Nawaub to the Company, and it was also agreed that the Fort of Allahabad should be occupied by the Company's troops. The alleged ground and reasons for this last measure are somewhat peculiar. The measure is stated, in the agreement just mentioned, to have been taken "the better to enable the East India Company to assist his Highness with their forces for the preservation of his dominions conformably to the existing treaty." The danger which was supposed to exist to the Nawaub arose, it is said, from the position of the Mahrattas, then threatening Oude through Rohilcund. Now, as Rohilcund lies to the north of Oude, it is somewhat difficult to discover the immediate assistance rendered to the Nawaub of Oude against enemies in Rohilcund by the occupation of fortresses lying some distance to the south of the Nawaub's territory. Whatever the real cause may have been of the Company's anxiety to obtain possession of these two fortresses, they perfectly succeeded in their desires.

We have already stated that Lord Clive finally quitted India in 1767. Five years subsequently, namely, in 1772, the Government of Bengal passed into the hands of an Englishman destined to play a very conspicuous part in the history of India,—we mean Warren Hastings. In speaking of Hastings' transactions with Soojah-ood-Dowlah and the succeeding Nawaubs of Oude, we have borrowed in many places the language of the eminent historian we have already mentioned, Mr. Macaulay, as found in his admirable essay upon Warren Hastings, in the third volume of his Critical and Historical Essays.

At the period of Hastings' assuming the Government of Bengal, the East India Company were hard pressed for money. They were desirous of maintaining and extending their Indian empire, and at the same time felt the paramount necessity of sustaining the rate of the dividends of their English Proprietary. The chief business of the chief English Governor in India, therefore, was to provide funds for repeated and immediate transmission home. Hence it happened sometimes that a man placed in Hastings' position, "with an empty treasury, with an "unpaid army, with his own salary often in arrears, with "deficient crops, with Government tenants daily running "away, was called upon to remit home another half-"million without fail." Money, in short, must be had, and the richest provinces that still remained independent must be looked to for the necessary supplies.

"The Company had bound itself," says Mr. Macaulay,* "to pay near three hundred thousand pounds a-year to "the Great Mogul, as a mark of homage for the pro-"vinces which he had intrusted to their care; and they "had ceded to him the districts of Corah and Allahabad. "On the plea that the Mogul was not really independent, "but merely a tool in the hands of others, Hastings deter-"mined to retract these concessions. He accordingly "declared that the English would pay no more tribute,

* Vol. iii., p. 352.

"and sent troops to occupy Allahabad and Corah. The "situation of these places was such that there would be "little advantage and great expense in retaining them. "Hastings, who wanted money and not territory, determined to sell them. A purchaser was not wanting. "The rich provinces of Oude had, in the general dissolution of the Mogul Empire, fallen to the share of the "great Mussulman house by which it is still governed. ". . . . Sujah Dowlah, then Nabob Vizier (of Oude), "was on excellent terms with the English. He had a "large treasure. Allahabad and Corah were so situated "that they might be of use to him, and could be of none "to the Company. The buyer and seller soon came to "an understanding; and the provinces which had been "torn from the Mogul were made over to the Government of Oude for about half-a-million sterling."

Such was the real history of the treaty which stands next in the Parliamentary Blue-book before mentioned (p. 56). The treaty consists of two articles; the first takes away the Corah and Allahabad districts from the Mogul, and gives them to the Nawaub of Oude, to be possessed by him "in the same manner as the province of "Oude and the other dominions of the Vizier are possessed by him, for ever." The conditions of this transfer are appended to the first article of the treaty (*Blue-book*, p. 57), and are (as Mr. Macaulay has observed), that the Nawaub "shall pay to the Company fifty lakhs of sicca "rupees, according to the currency of the province of "Oude." Part of this sum was to be paid in ready cash, and the rest in the course of two years.

The second article of this treaty of the 7th day of September, 1773, states that, "to prevent any disputes arising "concerning the payments which shall be made by the "Vizier, for the expenses of the Company's troops that "may march to his assistance: It is agreed, that the "expense of a brigade shall be computed at two lakhs ten "thousand sicca rupees *per month* (21,000*l.*), according

"to the currency of the province of Oude." The real history of this article in the treaty was, that the brigade there mentioned was that one of the Bengal army which was farmed out by Hastings to the Nawaub of Oude to aid him in the notorious Rohilla war. We shall see presently the ultimate results of this transaction. Mr. Macaulay states,* that one effect of Hastings' financial policy was, that "he had relieved the finances of Bengal "from military expenditure, amounting to near a quarter "of a million a-year, and thrown that charge on the "*Nawaub of Oude*." The monthly payment for the brigade of the Company's being 21,000*l.*, it is obvious that the *annual* charges thrown upon the Oudian revenues quite tallies with Mr. Macaulay's statement.

About fifteen months after the ratification of this treaty, Seraj-ood-Dowlah, the Nawaub Vizier of Oude, died. The majority of the Council considered that the effect of the treaty concluded with him ceased on his death. He was succeeded by his son Ausuf-ood-Dowlah, and with him we find two treaties to have been concluded by Warren Hastings.† The first of these is dated 21st of May, 1775.

Below Allahabad (which had already, upon the 20th of March, 1772, been occupied by the Company's troops), and near Chunargur (which fortress had been completely ceded at the same date to the English), upon the northern bank of the Ganges, lies the sacred city of Benares. Still sacred in our own days it is to the pious Hindoo, and in the times of which we now speak it was the *entrepôt* of all the luxurious commerce of Hindostan. Benares, with all its wealth, and the surrounding tract of country had, in the "general anarchy of India," seen its Hindoo ruler become independent of the Mogul. The Rajah of Benares, however, had been compelled to submit to the authority of the Nawaub of Oude. Complaints were raised of tyranny on this ground, and English assistance

* Vol. iii., p. 359. † Blue-book, *ut suprà*, pp. 57—60.

invoked at Benares. The ruler of Benares was then one Cheyte Singh. As is well observed by the learned author we have so often quoted, there is not a single native Government from the Himalayas to Mysore, which was at once a Government *de facto* as well as *de jure*. "Where "an ambiguous question arises between two Govern- "ments, there is, if they cannot agree, no appeal except "to force, and the opinion of the stronger must prevail. "Almost every question was ambiguous in India. The "English Government was the strongest in India. The "consequences are obvious. The English Government "might do exactly what it chose." * Although the last quoted remarks are made peculiarly upon the subsequent case of Cheyte Singh, it is obvious that they are of general applicability to the relations existing in 1773 between the Company and the native powers. This becomes more obvious from the terms of the treaty of the 21st of May, 1775.

It must be borne in mind that by the cession of the supereminent Sovereignty of Benares to the English Company, the tribute hitherto paid by Cheyte Singh to the Nawaub of Oude, would thenceforth flow into the coffers of the Company. Another native potentate would also be brought more directly under their fast-spreading influence and dominion. Likewise, we should not forget that the proposition that a treaty made with a reigning Sovereign guaranteeing specific rights *to him and his heirs for ever*, is not usually considered either by the law or comity of nations, to lapse and become void upon the death of the originally contracting party. That money was wanted, and the *new* treaty, therefore, made, is evident from the following abstract of the principal articles contained in it.† By art. 4, "The countries "of Corah and Allahabad shall always and for ever remain "in the possession of the Nawaub Ausuf-ood-Dowlah, on

* Macaulay, *ut suprà*, p. 401.

† The originals are contained in the Blue-book referred to before.

"the same footing as the Subah of Oude," and the Company engage in the same article to defend all these countries (Corah and Allahabad) "*until the pleasure of the Court of Directors be known.*" The fifth article recites, that the Nawaub for such defence of his country gives up to the Company "all the districts dependent on the Rajah Cheyte Singh, together with the land and water duties, and the Sovereignty of the said districts in perpetuity." By the sixth article the monthly charge for an English brigade in Oude is raised from 21,000*l.* to 26,000*l.* sterling. The outstanding balance due from the late Nawaub to the Company is also agreed to be paid by his present successor without any dispute.* From the terms of the second treaty, concluded 19th Sept., 1781, between Hastings and Ausuf-ood-Dowlah, it is clear that the Governor-General had, in the intervening period of three years, fastened the expenses of an extra force of three regiments of cavalry and a temporary brigade upon the resources of Oude. Ausuf-ood-Dowlah was a weak and vicious prince. "He had been,"† says Mr. Macaulay, "under the skilful management of the English Government, gradually sinking from the rank of an independent prince to that of a vassal of the Company. It was only by the help of a British Brigade that he could be secure from the aggressions of neighbours who despised his weakness, and from the vengeance of subjects who detested his tyranny. A brigade was furnished, and he engaged to defray the charge of paying and maintaining it. From that time his independence was at an end. Hastings was not a man to lose the advantage which he had thus gained. The Nawaub soon began to complain of the burden he had undertaken to bear." It was from this complaint that the Nawaub and the Governor-General met at Chunar, and the effect of that meeting is seen in the abstract of the following agreement made there on the 19th of September, 1781.‡ By art. 1, "The

* Blue-book, p. 59. † Vol. iii., p. 407. ‡ Blue-book, p. 60.

"temporary brigade and three regiments of cavalry are "no longer to be charged to the Nawaub's account for "the year." Neither shall "The English officers, with "their Lebundy battalions, and other gentlemen, excepting the Resident's-office, now upon the Nabob's list, be "longer at his charge. . . . The true meaning of this "being, that no more troops be paid for by the Nawaub "than the number of European artillery and sepoys "agreed for under the title of one brigade with the late "Nawaub Sujah-ood-Dowlah, now paid for at the rate of "260,000 rupees per month; to which is now to be added "one regiment of sepoys of the present establishment "expressly allowed for the purpose of protecting the "office, treasury, and person of the Resident at Lucknow, "the pay and allowance of which are to commence from "the 1st of August next, at the rate of 25,000 rupees "per month." So that at all events there was a charge beyond that agreed to by the very Suraj-ood-Dowlah, named in this treaty, amounting to 2,500*l*. per month placed upon the treasury of Oude. In order to revive the sinking condition of the finances of Oude, the Nawaub was allowed, by the second article of the above treaty, to resume the absolute proprietorship of certain lands. By the last article of this treaty the old treaties (as far as consistent with the present) between the Company and the reigning powers of Oude were revived, and again ratified. The Nawaub also signed and sealed an agreement, apparently of the same date, although none is appended to it, in which he promised (on the Governor-General's recommendation) economy in his establishments, and direct payments to his servants, to receive a fixed monthly payment to form his private purse, and to leave the rest of his revenue for his civil and military disbursements under the management of his public officers *and the British Resident.* The Company had obtained the virtual control of the future war policy of the rulers of Oude; they now first laid their hands upon the actual

sinews of war as far as the Nawaub's territory was concerned.

Of that dark and immediately subsequent page in the history of Warren Hastings, replete with the miseries of the Begums of Oude, the Blue-book gives no sign. Perhaps if the secret despatches of the Company at that period could be ransacked, some light might be thrown upon the reasons of the then Governor-General's conduct. For four years more, until the spring of 1785, Hastings remained in India; he then quitted his Oriental sway. He had had much to contend with. He had been called on to support the British power in India under extreme difficulties; he had done so. He had been ordered to send home immediate and continual remittances from the revenues of Bengal. He had done so, but the chief depository and source of the wealth transmitted to England lay in the wealth of Oude, whose revenues he burdened, and whose population he awed by English troops.

In September, 1786, Lord Cornwallis assumed the government of India, and his attention was immediately called to the subsisting relations between the Company and the Nawaub of Oude. Lord Cornwallis's views upon the subject, and the line of policy which he deemed it most proper to adopt, are found in a letter addressed by him to the Nawaub on 15th April, 1787.*

From the contents of this despatch it is clear that, although by the treaty concluded between Ausuf-ood-Dowlah and Mr. Hastings in 1781, "the temporary Brigade" then existing in Oude was to be withdrawn, still this stipulation had not been carried out. The brigade was still quartered at Futtegguhr, a frontier town of Oude, to the north-east of Lucknow; and it was in consequence of the terrible drain thrown upon the resources of Oude by this and other exactions, that the Minister of the Nawaub had proceeded to Calcutta to

* Blue-book, *ut suprà*, p. 62.

entreat for some remission of subsidy on the part of the Governor-General. The British Governor, however, in his letter impressed upon the Nawaub the superior character of the troops so furnished in comparison with the State native soldiery. He stated that the object of so stationing the auxiliary force was to secure the safety of the Nawaub's kingdom. He, therefore, declined to withdraw the brigade, and suggested that the Nawaub should discharge as much of his own army as should allow for the additional expense attending the continuance of these effective troops. In the pecuniary burden, however, Lord Cornwallis admitted some alteration. The annual payments by the Nawaub to the Company, though they amounted nominally by treaty only to thirty-four lakhs of rupees, had, on various pretexts, been actually increased to eighty-four lakhs per annum. It was now agreed that fifty lakhs should be the annual payment of the Nawaub; and from the date of this agreement his Excellency should not be charged with any excess on this sum, and no further demands should be made. The Governor-General, "in other words declared," says the historian of British India, "that for the nine preceding "years, unjustifiable extortion to the amount of thirty-"four lakhs per annum had been practised upon that "dependent prince."* One most striking feature in the policy of Lord Cornwallis, as shown upon this occasion, deserves particularly to be noticed, in contrast with the views taken on the same subject by preceding and subsequent Governors-General. "A Resident," so run the words of the letter,† "will remain at your Excellency's "Court; but as it is the intention of the Company and "my firm resolution that no interference shall take place "in the details of the affairs of your Excellency's "Government, strict orders shall be sent to him that he "shall neither interfere himself, nor suffer interference, "by public or private claims of exemptions of duties or

* Mill's History, book 6, cap. 3. † Blue-book, p. 64.

"in any other mode, from any British subject or person, "under the authority of this Government."

Further on he says, "For several years past the inhabitants of your Excellency's dominions, from motives of "self-interest, have appealed to this Government, "and this has been a source of injury to the affairs "of your Government. I am determined to put a stop "to this practice, and to disregard their applications; but "as the connexion between the two Governments is "universally known, strict attention to justice on your "part will add credit and renown to both."

The terms then proposed were readily accepted by the Nawaub, and the effect of this line of policy is thus described by the Governor-General: "We undertake the "defence of his country; in return, he engages to defray "the real expenses incurred by an engagement of so "much value to himself; and the internal administration "of his affairs is left to his exclusive management."*

In 1788 a commercial treaty was concluded between the Company and the Nawaub in an equally fair and liberal spirit. Lord Cornwallis, previously to his quitting India in 1796, had addressed remonstrances to the Nawaub upon the subject of the internal administration of his kingdom. At the same time he was compelled to admit that the subsidy of fifty lakhs, guaranteed to be paid to the Company, had at the time of his writing been paid up with regularity.†

The due payment of the subsidy would seem to any one perusing Lord Cornwallis's account of his own policy to be the only point upon which the Company could have any right to interfere with the internal affairs of Oude, either by suggestion or otherwise. However, the next Governor-General, Sir John Shore, was not content with

* Papers relating to the East Indies, printed by order of the House of Commons in 1806. No. 2, pp. 1—14.

† Letters from Lord Cornwallis to the Vizier, dated 29th January, 1793. Printed papers *ut suprà*, pp. 11—13.

even the then existing burdens which the Company had placed upon the Nawaub's revenues. Although by his letters to the Resident at Lucknow, the new Governor was constantly recommending financial order and economy to the ruler of Oude,* the first interview which took place between the most directly interested parties, viz., Sir John Shore and Ausuf-ood-Dowlah, resulted in an agreement, dated Lucknow, 20th March, 1797.† Our readers will here remember that Mr. Hastings had, by the treaty of 1781, agreed to limit the English troops regularly chargeable to the Nawaub, to one brigade. Lord Cornwallis had increased this force to two brigades; and now, by the agreement just referred to, "the wretched "vizier was to add to his former subsidy the expense of "one European and one native regiment of cavalry, pro-"vided the annual amount should not exceed five and "a-half lakhs of rupees."‡ By these means the increased cavalry force ordered by the Directors to be raised, was to be supported by their Ally, who was invited to disband his own troops, in order to find funds for the support of the Company's new levies. This was the last transaction which occurred between the East India Company and Ausuf-ood-Dowlah, who died a few months subsequently. His son, Mirza Ali, was, after some dispute, raised to the throne. An uncle of the new Nawaub, Saadut Ali, opposed the accession on the ground of Mirza Ali's illegitimacy. After hearing some evidence, certainly not of a satisfactory or conclusive nature, Sir John Shore determined on transferring the sovereignty of Oude to Saadut Ali, who was accordingly proclaimed at Lucknow on the 21st January, 1798. The accession of a new Nawaub to the musnud, so completely through the influence and under the patronage of the British Government, was an opportunity for fresh exactions not to be neglected, and that the Governor-General did not

* Printed papers, *ut suprà*, p. 28. † Blue-book, *ut suprà*, p. 71.
‡ Mill's History, book 6, cap. 7.

fail to avail himself of the circumstance is sufficiently clear by the terms of the Treaty concluded at Lucknow on the 21st February, 1798.* The following is an abstract of the principal articles. By article 1, the mutual conditions of friendship and unity previously subsisting, and also the former treaties, as far as consistent with the present, are upheld. By art. 2, the annual subsidy hitherto paid by the Nawaub of Oude, amounting to something over fifty-six lakhs of rupees, is now raised to seventy-six lakhs. This sum, by art. 3, is to be paid punctually by monthly instalments, and is to include (by article 6) the pensions of the Begums and Princes at Benares, amounting to a little over two lakhs and a-quarter of rupees per annum. The arrears of subsidy due (art. 4) are to be immediately discharged. The deposed Nawaub, Vizier Ali, by art. 5, is to receive a pension of one lakh and a-half of rupees. In art. 7 we find the supposed consideration for the increased subsidy. The British troops in Oude are never to be less than ten thousand men of all arms; should it become necessary at any time to augment this number beyond 13,000, the Nawaub is to pay for the excess; should the force ever fall below 8,000, there shall be a proportionate diminution in the amount of subsidy to be paid. (*Par parenthèse,* who was to decide between the contracting parties as to the absolute existence of the necessity in question? We presume the only answer must be that which was before suggested by Mr. Macaulay—The Stronger—and which was the stronger must, by this time, be clear enough to our readers.) Now comes article 8, which states that "As the English Company are not "possessed of any fortress in the dominions of Oude, the "Nawaub Saadut Ali Khan, *having the fullest reliance "on the friendship of the English Company,* agrees to "make over to their exclusive possession the Fort of "Allahabad, with all its buildings and appurtenances."

* Blue-book, *ut suprà*, p. 71.

Eight lakhs of rupees are to be advanced to the Company for the repairs of the Fort of Allahabad, and three lakhs more for a similar purpose with respect to the Fortress of Futty Guhr. By art. 9, the troops so quartered upon the Nawaub may be removed to such quarters as may be deemed advisable, and the Nawaub is to pay the cost thereof. Next comes the direct cost of the musnud of Oude. In art. 11 is an engagement by Saadut Ali to pay the Company twelve lakhs in consideration of the expenses attending their exertions in establishing his right. The next article binds the Nawaub to give satisfactory security to the Company in case of his payments falling into arrear. The subsequent articles relate to the non-correspondence with foreign states without the Company's knowledge, the non-employment of Europeans in Oude without permission, and an enforcement of economy in all branches of the State.

We have to apologise to our readers for detaining them so long with the history of these preliminary treaties. In the printed papers relative to the annexation of Oude in 1856, scarcely any mention occurs of these engagements. We, however, cannot but consider that the previous relations which existed between the Company and the native rulers of that province have an important bearing upon the question itself. They not only point out the gradual growth of aggression; they do not stop at furnishing us with indications of the policy pursued by different Governors-General, or with proofs of the use which successive viceroys of England made of the wealth of the kingdom of Oude. They go further, for they show us the real cause of confusion in Oude, the true source from which arose financial oppression, the coffers into which flowed the stream of rupees, which had to be wrung from the ryots of the kingdom, and who were the responsible promoters and enforcers of a state of things which must eventually end in the benefit of the most powerful party. For a moment let us very briefly recapitulate the financial

liabilities and territorial possessions of Oude on the ratification of Sir John Shore's Treaty in 1798. Because it was in this state that Lord Wellesley found the Nawaub's kingdom in 1801, when he concluded a fresh treaty, on the non-observance of which Lord Dalhousie, in 1856, based his right of annexation.

In 1765, Soojah-ood-Dowlah had the then kingdom of Oude guaranteed to himself and his heirs for ever. And for this protection he paid about half a million sterling. Three years afterwards the first blow was struck at his independence by the restriction of his army to 35,000 men. In 1772 the strong Fort of Chunargur was taken from him, and virtual possession of the Fort of Allahabad secured. In 1773 he was allowed to pay half a million for the districts of Corah and Allahabad, and had the burden of the support of a brigade cast upon him. On his death the Council considered the existing treaty to be at an end; and yet this very treaty is mentioned in the preamble of every subsequent treaty of importance made between the Company and the successors of Soojah-ood-Dowlah! From Assuf-ood-Dowlah, the son of Soojah-ood-Dowlah, was taken the sovereignty of the provinces of Benares, Juanpore, &c., and he was forced to pay as subsidy, for a considerable time, eighty-four lakhs of rupees per annum.* When Saadut Ali became Nawaub, he had to give up entire possession of the Fort of Allahabad, and as Allahabad had been provisionally held when Chunar was absolutely surrendered, so the same virtual exercise of the Company's authority was now displayed in the fortress of Futty Guhr. Beyond this an annual tax of seventy-six lakhs, and an immediate pay-

* This sum total of payments is thus made up:—The monthly rate paid for the Company's brigade was raised to two lakhs sixty thousand rupees per month, amounting to an *annual* payment of thirty-one lakhs twenty thousand rupees. The support of the extra regiment cost three lakhs per annum. In addition thereto the Nawaub was to pay fifty lakhs, according to Lord Cornwallis's letter, dated April 15, 1787.

ment of twenty-three lakhs more were imposed upon him, a state of things from which it is difficult to see how any ingenuity could have extricated the unfortunate ruler in a state of solvency. The results of this long series of burdens is best described in the language of Mr. Mill,* who, speaking of the Treaty of 1798, says,—" The trans-" action had one attractive feature, that of gain to the " Company; and it received the most cordial approbation " of the powers ministerial and directorial, at home."

The remaining treaties and agreements which make up that portion of the Blue-book of Native Treaties (presented to the House of Lords in 1853 by the East India Company) which peculiarly relates to the kingdom of Oude, now demand our especial attention. It is upon their existence, provisions, and efficiency that the question of annexation turns as presented in the despatches and minutes of Lord Dalhousie and his Council. We propose, therefore, in the first place, to give a brief summary of these various papers, and of their necessary history, and afterwards to place before our readers such arguments as we think arise from them on a fair consideration.

Lord Mornington (better known as Marquis Wellesley) arrived in Calcutta in the month of May, 1798. In October of the same year he had " under his consideration " the best means of securing the regular payment of the " subsidy from Oude, and of reforming the Nawaub's " army." † This reform really meant the disbanding of the Nawaub's regular army, except as far as portions of it might be wanted for the purposes of State, or for the collection of the revenue, and the substitution of an increased number of the Company's regiments of infantry and cavalry, to be relieved from time to time, and to be paid by the Nawaub.‡ But this force was to be substituted in place of that part of the Nawaub's which should be reduced. Alarmed at this proposal when made, the

* Mill's History, book vi., cap. 7. † Printed Papers, *ut suprà*, v. 3.
‡ Printed Papers, iii., 2, 3.

Nawaub spoke of abdicating. Lord Wellesley on this at once stated the grand object which he considered the Company had in view, and this was, "The acquisition by "the Company of the exclusive authority, civil and "military, over the dominions of Oude."* With this view a treaty was ultimately drawn up, the first article of which involved the virtual abdication of the Nawaub. But on this being presented to him the Nawaub positively refused to sign any such agreement. The Governor-General, after negotiations which extended over several months, in the course of which Lord Wellesley admitted that "his "original object was not merely to secure the subsidiary "funds, but to extinguish the Nawaub's military power," † a treaty got signed on the 10th of November, 1801, to which our readers will find frequent reference hereafter made, and of which the following is a close abstract.‡ It may, however, be proper to state, in the first place, that the districts absolutely ceded by this treaty were a tract of country lying to the west and south of the Ganges, which river now forms the western and southern boundary of Oude on that side, districts of such extent and value as to absorb by their cession more than one-third, and very nearly one-half of the hitherto-guaranteed dominions and revenues of the Nawaub of Oude.

The preamble of the treaty sets forth the obligation of the Nawaub by previous treaty to pay a subsidy of seventy-six lakhs of rupees per annum, together with augmentations upon an increase of troops; also the advisability of placing this payment upon sound and certain footing. Therefore, in commutation of this subsidy, and all other such sums now chargeable, by

Art 1.§ The Nawaub cedes to the Company in perpetual sovereignty, possessions amounting in gross revenue to one crore thirty-five lakhs of rupees, in commutation of the subsidy, of the expenses attendant on the addi-

* Papers, *ut suprà*, 31.

† Papers, *ut suprà*, p. 213.

‡ Blue-book of Treaties, p. 75.

§ Blue-book of Treaties, p. 75.

tional troops, and of the Benares and Furruckabad pensions. (If any of our readers will trace upon the map of India, published by Mr. Wyld, the country called the Dooab, they will see the land so given up.)

By Art. 2, The subsidy is to cease (guaranteed in 1798), and no calls to be made for any additional troops required at any time to protect the territories of the Nawaub.

Art. 3. The Company to defend the Nawaub's dominions, with the right of stationing troops at will. The Nawaub to retain in his pay four battalions of infantry, one battalion of nujeebs and mulvattees, 2,000 horsemen, and golundauz to the number of 300. He is to dismiss the remainder of his troops, excepting such numbers of armed peons as shall be deemed necessary for the purposes of all collections, and a few horsemen and nujeebs to attend the persons of the Aumils.

Art. 4. A British detachment is always to be attached to the person of the Nawaub.

Art. 5. No further demand from any cause whatever is to be upon the treasury of the Nawaub.

Art. 6. The ceded territories are to be subject to the exclusive control and management of the Company and their officers, the Company guaranteeing to the Nawaub, his heirs, and successors, the possession of the remaining territories, and the exercise of their authority therein. The Nawaub engaging to establish in his reserved dominions such a system of administration, to be carried into effect by his own officers, as shall be conducive to the prosperity of his subjects, and to be calculated to secure the lives and property of the inhabitants. The Nawaub will always advise with, and act in conformity to the counsel of the officers of the Company.

Art. 7. The subsidy payment is only to cease on full possession being obtained by the Company of the ceded districts.

Art. 8. Relates to the formation of a separate commercial treaty, and the navigation of the Ganges.

Art. 9. All the articles of former treaties for establishing and cementing the union and friendship subsisting between the two States, are to continue in full force. All the articles of the treaty of 1798, not annulled by this treaty, are to remain in full force, and to continue binding.

Art. 10. This treaty was concluded on the 10th Nov., 1801.

Saadat Ali Khan died in July, 1814; and on the 12th July in the same year, an engagement was entered into with his son and successor, Ghaza-ood-deen, binding the Company and the Nawaub to the previously existing engagements between them.

At this period commences an entirely new relation between the Nawaubs of Oude and the Company. Oude was still at this period, as it always had been, the Bengal Treasury of the Company. But now the evidence of that fact becomes exemplified by the following words of the Blue-book: * "At a conference between the Earl of "Moira and the Vizier, on the 14th Oct., 1814, his "Highness offered one crore of rupees as a gift to the "Company. It was refused as a gift, but accepted as a "loan." The disinterestedness, however, of the Governor-General loses somewhat of its effect on the perusal of the following passage from the statement of the Resident at Lucknow, as contained in *the Oude Papers, printed in 1824, at p.* 952, when he says, "I was instructed to open "a negotiation with the Vizier for the loan of a crore of "rupees to the Honourable Company, to appear as a "voluntary offer to Lord Moira."

The Blue-book continues thus: "The financial pressure "caused by the protracted prosecution of the Nepaul "war led the Governor-General to ask the Vizier for "another loan of one crore, which was obtained." On the termination of the Nepaulese war, a treaty was concluded, by which, as will be seen by the abstract

* Blue-book of Treaties, p. 86.

annexed, the second loan of a crore of rupees was commuted by the cession of territory on behalf of the Company.

Art. 1. Cedes to the Vizier in full and perpetual sovereignty the whole of the late Goorka possessions below the hills, extending on the west from the river Gogra to the British district of Goruckpore, on the east, and bounded on the south by his Excellency's possessions and the district of Khyrugur, and on the north by the hills. And in this territory the Vizier's authority is to be established.

Art. 2, annuls the debt of the second crore of rupees lent in the year 1815.

Art. 3. Relates to the exchange of certain lands between the Company and the Nawaub.

Art. 4. Engages the Company to suppress any disturbance in the ceded territory, and in case of their help failing, to give other lands of equal revenue to the Nawaub.

This treaty is dated 1st May, 1816. "In 1819,"—(We again quote from the Blue-book of 1853),—"the ruler of "Oude, with the approbation of the British Government, "changed his title from that of 'Vizier' (that of "Nawaub being synonymous) to that of 'King of Oude,' "and his Majesty was crowned in due form." Another crore of rupees (one million sterling) was obtained as a loan, but the interest, guaranteed at five per cent. in perpetuity, was secured to certain relatives.

A similar loan was effected in 1829, of sixty-two lakhs, forty thousand rupees, the interest to be applied to certain pensions; and again a treaty was ratified for this purpose.

In 1833 the King of Oude * placed in the Residency Treasury three lakhs of rupees, to be lodged in the four per cent. loan of the British Government, the

* Blue-book of Treaties, p. 91.

interest to be paid at the rate of one thousand rupees per month to the poor. By a subsequent article no future ruler of Oude is to resume or appropriate this money to any other purpose. And by the fourth article of the treaty the distribution of the proceeds from the fund so established, is entrusted to the residents or representatives of the ruling powers in India.

In 1837 Pusseer-ood-Deen died, and was succeeded by his uncle, Mahomed Ali Shah, "with whom" (says the Blue-book) "the following treaty was concluded" by Lord Auckland, who arrived at Calcutta on the 5th March, 1836.

The preamble of the treaty alleges that the employment by the King of Oude of a large and expensive military force is against the terms of existing treaties. That the discharge of the provisions of 1801 is attended with considerable difficulty, and therefore a modified arrangement must be made. That as the treaty of 1801, in the sixth article, provides no remedy for the infraction of that article, should not the Sovereign of Oude govern in conformity to the counsel of the officers of the Company, it is necessary by the following provisions to provide for such a contingency:—

Art. 1. The King of Oude may employ such a military establishment as he may deem necessary for the government of his dominions.

Art. 2. The usual undertaking on the part of the Company to defend the King's dominions; but the King is to organize a disciplined force for the general support of his authority within his dominions.

Art. 3. This force to be of not less than two regiments of cavalry, five of infantry, and two companies of golundauz.

Art. 4 fixes 16 lakhs as the annual sum to be paid on account of these troops, which, by art. 5, are to be officered by British officers, provided by the Company,

and taken by the King into his service; and by art. 6 these troops are to be stationed in convenient positions, but not to be used in the collection of revenue.

Art. 7 states that, in modification of the 6th article of the treaty of Lord Wellesley (made in 1801), "the King "of Oude will take into his immediate and earnest con-"sideration, in concert with the British Resident, the "best means of remedying the existing defects in the "police, and in the judicial and revenue administrations "of his dominions;" and then comes this proviso, "If "his Majesty should neglect to attend to the advice of "the British Government or its local representative, and "confusion and anarchy should follow, with gross and "systematic oppression," the British Government reserves to itself the right of appointing its own officers to the management of whatsover portions of the Oude territory, either to a small or great extent, in which such misrule as that above alluded to may have occurred, for so long a period as it may deem necessary; the surplus receipts in such case, after defraying all charges, to be paid into the King's treasury, and a true and faithful account rendered to his Majesty of the receipts and expenditure of the territories so assumed.

By the 8th article, the Governor-General undertakes (in the case of assumption of territory, under art. 7) to maintain (with such improvements as they may admit of) the native institutions and forms of administration within the assumed territories, so as to facilitate the restoration of those territories to the Sovereign of Oude, when the proper period for such restoration shall arrive.

The Blue-book informs us that the Home Government disapproved of that part of the above treaty which imposed upon the Oude State the expense of the auxiliary force; and on the 8th July, 1839, the King was informed that he was relieved from the cost of maintaining the auxiliary force, which the British Government had taken upon itself.

Such was the state of treaties between the King of Oude and the Company, on their own showing, at the period of the annexation.

We shall now proceed to state briefly the course pursued by Lord Dalhousie in 1856, as shown by his official despatches. The immediate details of the annexation of Oude are contained in a Blue-book of "Papers relating to "Oude," printed in 1856, and from this source the following statement is derived.

On the 21st November, 1854, the Governor-General (Lord Dalhousie) recorded a Minute,* which was acquiesced in by the other members of the Council, in which, after referring to communications which had been made to the then reigning King of Oude,—firstly, in 1831, by Lord William Bentinck, and secondly, in 1847, by Lord Hardinge,—Lord Dalhousie proposed that General Outram, then on the point of becoming British Resident at Lucknow, should make an inquiry into the present state of the kingdom of Oude. General Outram proceeded to Lucknow, having received as his instructions in the intended inquiry a letter † from the Secretary to the Government of India (Mr. Edmonstone), of which the following is the concluding and most important paragraph: —"I am accordingly directed by the Governor-General "in Council to instruct you to apply yourself, on your "arrival at Lucknow, to an inquiry into the present state "of that country, with a view to determine whether its "affairs still continue in the state in which Colonel "Sleeman ‡ from time to time described them to be; "whether the improvement which Lord Hardinge "peremptorily demanded seven years ago at the hands "of the King, in pursuance of the treaty of 1801, has in "any degree been effected; and whether the duty imposed "upon the British Government by that treaty—a duty

* Oude Papers, p. 2. † Papers, p. 4.

‡ Colonel Sleeman's Reports are from September, 1849, to December, 1851.

"recognised by Lord William Bentinck in 1831, and "reiterated by Lord Hardinge in 1847—will in truth "any longer admit of our honestly indulging the reluc- "tance we have felt to have recourse to those extreme "measures which alone can be of any real efficacy in "remedying the evils from which the State of Oude has "suffered so long." The reply of the Resident to these instructions appeared in the form of a lengthy Report,* dated 15th March, 1855, accompanied by appendices of evidence, and addressed to the Government in Calcutta. As the character of this Report, the nature and incidents of the evidence adduced, and the justice of the conclusions thence derived, will all form matter for subsequent comment, it will be sufficient in this place to mention the leading features of the document. General Outram states that, being himself without personal experience in Oude, he had been forced to depend for information on the contents of the Residency records and the channels which supplied his predecessor. The English magistrates in the districts bordering upon Oude were also interrogated as to the state of crime in their respective localities. Information upon the internal condition of Oude was obtained through the Assistant-Resident, Captain Hayes, from the English officers in command of the King of Oude's regiments.

General Outram divides the subject of his inquiry into seven heads:—

1. The Sovereign and his Minister.
2. Revenue and Finance.
3. Judicial Courts and Police.
4. The Army.
5. Roads and Public Works.
6. Statistics of Crimes, &c.
7. Oppression, Cruelties, &c.

Each of these branches of the main question is sepa-

* Papers, pp. 12—146.

rately considered and reported on; and the conclusions of the Resident may be expressed as follows:—

1. As to the Sovereign and his Minister. General Outram adopts the language used by Colonel Sleeman,* 10th December, 1851.

"His Majesty continues to confide the conduct of his "affairs to the same worthless and incompetent characters, "to devote all his time to personal gratifications and "frivolous amusements, and to manifest the same utter "disregard of his duties and responsibilities. The same "insecurity to life and property in all parts of his domi- "nions is felt; the same maladministrations and malversa- "tions prevail in all departments."

2. With respect to Revenue and Finance, the Resident, after stating that he had been unable to obtain official or trustworthy returns of revenue statistics, sums up his opinions on that head in the expression of a conviction that the King was grossly defrauded by his Minister and the subordinate Nazims.† He also states that the troops are in arrears of pay, as also those members of the Royal Family who are stipendiaries upon the King. To the Civil Establishments not much is thought to be due, as the persons therein holding situations live upon the profits they make.‡

3. The failings of the Oude Judicial Courts and Police Establishments are stated to be, that the administration is base and corrupt in the districts; that those who administer justice there are equally venal with the judges of the capital; and that the so-called police establishments are equally inefficient and corrupt. An exemption is, however, made in favour of the Oude Frontier Police and their proceedings.§

4. The condition of the Army of Oude is reputed to be such as to make it "impossible to conceive a greater

* Papers, p. 18. † Papers, p. 27.
‡ Papers, p. 28. § Papers, p 30.

" curse to a country than such a rapacious, licentious, and " disorganized army as that of Oude is, and such as it has " ever been, from the earliest records extant of its " cowardice, inefficiency, and extortion."*

5. The Roads and Public Works in Oude are represented to be in a lamentable condition, chiefly owing to the frauds of contractors.†

6. The statistics of crime of outrage, as given in General Outram's Report, indicate a vast increase in several species of criminal offences. He finally comes to the conclusion that crime and outrage had actually increased since Colonel Sleeman's Report in 1851.‡

7. Oppression and cruelties form the last head of General Outram's Report. He states that he cannot speak positively as to the increase of cases of this sort. He gives several instances as having been reported to him, and recorded in the diaries of the Resident. The British magistrates on the frontier have not furnished him with much information on this point. Emigration from Oude does not take place,§ but this he attributes to the attachment which the natives bear to their country.

General Outram, in fine, arrives at this conclusion:—
" It has been my painful duty to demonstrate that the " lamentable condition of this Kingdom has been caused " by the very culpable apathy and gross misrule of the " Sovereign and his Durbar. I have shown that the " affairs of Oude still continue in the same state, if not " worse, in which Colonel Sleeman from time to time " described them to be; and that the improvement which " Lord Hardinge peremptorily demanded, seven years " ago, at the hands of the King, in pursuance of the " treaty of 1801, has not in any degree been effected. " And I have no hesitation in declaring my opinion, therefore, that the duty imposed on the British Government by that treaty cannot any longer admit of

* Papers, p. 33. † Papers, p. 34.
‡ Papers, p. 38. § Papers, pp. 39—46.

" our honestly indulging the reluctance which the Govern-
" ment of India has felt, hitherto, to have recourse to
" those extreme measures which alone can be of any real
" efficacy in remedying the evils from which the State of
" Oude has suffered so long." *

After the receipt of this Report Lord Dalhousie recorded a very lengthy minute, recapitulating the history of the connexion of the Company with the rulers of Oude, and founding the basis of present engagements by treaty between the respective powers upon the treaty of 1801.† This minute is dated June 18th, 1855. The Governor-General disavows the legal existence of the treaty made by Lord Auckland in 1837,‡ that having been disallowed by the Home authorities. He then proceeds to comment upon the interferences made with the successive Viziers and Kings by various Governors-General. He next takes in review the various heads of General Outram's Report, and declares his conviction of the correctness of the Resident's conclusions. Lord Dalhousie necessarily comes to the conclusion himself that active interference on the part of the Government of India with the conduct of the internal affairs of the territory of Oude is not only necessary, but imperative. For the attainment of this object he proposes four modes for the consideration of the Court of Directors. §

1st. The King may be required to abdicate the sovereign powers he has abused, and to consent to the incorporation of Oude with the territories of the British Crown.

2d. The King may be permitted to retain his Royal title and position, but may be required to vest the whole civil and military administration of his Kingdom in the government of the East India Company for ever.

3d. His Majesty may be urged to make over his dominions to the management of British officers for a time.

* Papers, p. 46.
† Papers, pp. 147—190.
‡ Papers, p. 149.
§ Papers, p. 184.

4th. The King may be invited to place the management of the country in the hands of the Resident, under whose directions it shall be carried on by the officers of the King acting with such British officers as may be appointed to aid them.

After discussing the merits and evils of these four plans, Lord Dalhousie declares it to be his opinion that the second proposition should be adopted, namely, That the King should retain his Royal title and rank, and still be required to vest the whole civil and military administration of Oude in the hands of the Company, whose power should be perpetual in duration, as well as ample in extent.*

His Lordship then proposes that with a view of carrying out the chosen scheme, the Resident at Lucknow should make a fresh and formal remonstrance to the King of Oude, and should offer the alternative of the withdrawal of the British troops from Oude, or the ratification of a new treaty embodying the principles already stated.†

The minute recorded by the Governor-General embodying, as in fact it did, his own dispatch to the Court of Directors, upon the question of the annexation of Oude, is followed by the minutes recorded upon the same subject by the other members of Council at Calcutta.

Mr. Dorin argues that the treaty of 1801 being broken by the King's misgovernment of his territory, nothing in his opinion is left to be done, but the entire and positive annexation of the Oude territory.‡

Mr. Dorin, at the same time, recommends that a liberal allowance should be made to the King.

Major-General Low, in two distinct minutes, dated respectively July 21st and August 18th, 1855, § supports the Governor-General's proposition of a new treaty as detailed in his minute, but without the previous alter-

* Papers, p. 187.
† Papers, p. 188.
‡ Papers, p. 192.
§ Papers, pp. 197, 220.

native of the threat to withdraw the English troops from Oude.

Mr. Grant argues* that, following Lord Wellesley's policy in 1801, the Court of Directors has a perfect right to force a line of policy upon the King of Oude. He, therefore, advocates, with Mr. Dorin, total and complete annexation.

Mr. Peacock (the Advocate-General), after quoting authorities to show that the treaty of 1801 had been broken, and might therefore be declared null and void, takes the same view of the proper course to be pursued, as that advocated by the Governor-General.†

With these minutes the dispatch went to England, dated July 3, 1855.

The answer of the Court of Directors is dated 21st November, 1855, and Lord Dalhousie is therein informed that unless he considers the acceptance of the proposed treaty by the King of Oude a matter of virtual certainty, he is not to offer the alternative.‡ Unless he has this conviction, the Court of Directors "are fully prepared "to take the responsibility of authorizing and enjoining "the only course by which our duties to the people of "Oude can be fulfilled—that of assuming authoritatively "the powers necessary for the permanent establishment "of good government throughout the country, leaving all "questions of detail to the wisdom of the Governor-"General."

The line of conduct to be pursued by the British Resident at Lucknow, in order to carry out the proposed annexation, was first agreed upon in a minute recorded by the members of Council in Calcutta on the 15th January, 1856.§ On the 23d of the same month, the Secretary to the Government of India transmitted full instructions on the subject to General Outram, to the following effect.||

* Papers, p. 199. † Papers, p. 229. ‡ Papers, p. 236. § Papers, p. 237. || Papers, p. 241.

In order to secure sufficient force to support the British Government's new policy, a Brigade of additional troops was to assemble at Cawnpore, and then to enter Oude. In case of hostilities proving imminent, the military authority and control over all the troops in Oude was to be vested in the Resident at Lucknow. When that officer should be satisfied as to the completeness of the military arrangements, and the proximity of the troops deemed necessary, he was to enter into formal communications with the Court of Lucknow. The Minister Alee Nukee Khan was first to be informed of the inflexible determination of the British Government to assume the administration of the Kingdom of Oude, in one form or other. He was to be invited to give his best aid to the negociation of an amicable agreement for such a purpose, and to be warned that on his subsequent conduct in the business would depend the favour and consideration thereafter to be shown him by the British Government. An interview was then to be obtained with the King, who was to be informed that the time had come when the systematic violation of the treaty of 1801 by every successive ruler of Oude rendered it the imperative duty of the British Government to declare the treaty null and void, and to proceed either to form new engagements with the King, or to assume to itself the administration of his territories. A letter from Lord Dalhousie to his Majesty, which recapitulated the history of the connexion of the English Government with that of Oude, was then to be presented.* In this document the Governor-General entered at considerable length into the duties and rights conferred by the treaty of 1801; and, after reference to the complaints made by previous Governors as to the misgovernment of Oude, and the last Report upon that subject made by General Outram, he concludes by declaring the treaty of 1801 wholly dissolved. The King is then referred to the

* Papers, p. 244.

Resident for information as to the future courses open to him.

After the perusal of this letter by the King, the English Resident was instructed to present the draft of the proposed new treaty to his Majesty. He was to afford full and patient explanations on the subject, and to impress upon the King the absolute necessity of compliance with the will of the Company. He was to inform the King that no further letters on the subject could be received by Lord Dalhousie: and, should his Majesty refuse to sign the treaty at once, he was to threaten instant assumption of the territory of Oude by the British force, without any guarantee for the future maintenance and support of the King or his dignity. Three days' delay, however, might be accorded to the King for consideration of the matter, should he so request.

The following are the heads of the proposed new treaty:—

The preamble* recites the continued infraction by successive rulers of Oude of the 6th article of the treaty of 1801, and declares it to be the duty of the Company to secure permanently for the people of Oude such a system of just and beneficent administration as the treaty of 1801 was intended, but failed, to provide. To effect this,—

Art. 1 vests, henceforth and for ever, in the East India Company, the sole and exclusive administration of the civil and military government of the territories of Oude, together with the full and exclusive right to the revenues thereof. The Company engages to make ample provision for the maintenance of the Royal dignity, and for the due improvement of the said territories.

Art. 2 provides for the retention of the title of "King of Oude" by the present Sovereign, and for the descent of the title to his heirs lawfully begotten.

Art. 3 guarantees the observance of all due honour and

* Papers, p. 251.

respect to the King and his successors as Sovereign Princes.

Art. 4 reserves to the King and his successors full and exclusive jurisdiction within the precincts of the palace of Lucknow, as well as within the Dil Khosha and Beeberpore Parks, except the right of inflicting capital punishment.

Art. 5 gives an annual allowance of twelve lakhs of rupees to the King, with an allowance of three lakhs more per annum for a body of Palace Guards; the allowance to the King's successors was to be twelve lakhs a-year.

Art. 6 places on the Company the future maintenance of those collateral members of the Royal Family who were pensioners of the King.

Art. 7. All former treaties still in force, and not contrary to this, were to be confirmed.

As it was thought probable that, on considering and discussing the above draft, the King would naturally refer to the treaty concluded with Lord Auckland in 1837, the Resident was instructed to inform his Majesty that that treaty had never been sanctioned in any one particular by the home authorities. It was unquestionably true that this fact had never been fully communicated to the King; that he had only been informed of the annulment by the Court of Directors of the one article in that treaty which imposed a fresh subsidy of sixteen lakhs of rupees upon the revenues of Oude; and that the treaty itself was contained in the authorized Return of Existing Treaties made by the Company to the House of Lords in 1853.* The Resident was therefore to express the regret felt by the Governor-General that such a neglect of information should have occurred; but he was also to declare to his Majesty that all proposals of measures short of that now submitted had been summarily rejected by the Court of Directors, and that no such line of policy as that supposed to have been adopted in 1837 could be now pursued.

* Blue-book of Treaties (1853), p. 92.

Those persons about the Court whose influence might be supposed to oppose annexation were to be conciliated by assurances and promises.

Should the King sign the treaty in three days, the document was to be sent down express to Calcutta for ratification. Without waiting for its return, General Outram was to issue a proclamation, a copy of which was sent to him, marked A.* In this proclamation the history of the last fifty years of Oude dominion was again descanted on, as the reason for declaring the treaty of 1801 null and void. The provisions of the new treaty were set forth, and all officers of the Oude Government called on to render obedience and pay revenue solely to the officers of the British Government, under penalty of being deemed rebels in case of refusal, themselves to be seized, and their property to be confiscated.

The King was also to be urged to issue a proclamation of his own confirmatory of the above. Should, however, the King refuse to sign the treaty, another proclamation, marked B (also forwarded), was to be issued; but in either case the members to constitute the staff of the new Government were at once to be summoned to Lucknow.

Agreeably to these instructions, General Outram, on his arrival in Lucknow, 30th January, 1856, had an interview with the Prime Minister, Alee Nukkee Khan, to whom he communicated† the determination of the British Government with respect to Oude, and the measures he was instructed to put in force. He at the same time refused to discuss any question as to the state of the King's Government, and insisted on the advance of the fresh English troops as necessary. A second interview between the same parties took place on the following day, 31st January, 1856, when the Resident delivered to the Minister copies of the proposed treaty and consequent proclamation. He again declared the resolution of the British Government to be final and irrevocable, declined

* Papers, p. 253. † Papers, p. 279.

all argument on the question, and warned the Minister against the fatal consequences of the King's refusal to sign the treaty. An interview between the Resident and the Queen-Mother occurred the next day, the 1st February, with the same results—viz., the expression of earnest and fruitless protestations on the one part, and of stern determination on the other.* General Outram saw the King on the morning of the 4th February, and on his arrival at the Palace found the troops disarmed, the artillery dismounted, and the courtiers and officials entirely without weapons. He presented Lord Dalhousie's letter to the King, who, after attentively perusing it, said, "Why have "I deserved this? What have I committed?" The Resident then recapitulated the various grounds set forth in Lord Dalhousie's letter, the benefits to be derived by the King from his at once signing the proposed new treaty, a copy of which, in conclusion, he placed in the hands of his Majesty. The King, having read the treaty, declared his independence was gone; that treaties were of no use except between equals; that he was in no position to sign a treaty; and, taking off his turban, placed it in the hands of the Resident, avowing his conviction of the power of the Company, and refusing to sign the treaty presented. On the 7th February, 1856, the King of Oude communicated to the Resident his final refusal to sign the treaty, and, as the three days allowed for consideration had then elapsed, charge of the city of Lucknow and various departments of the State was formally assumed by the English authorities, whilst the publication of the Resident's proclamation completed, at all events for the time, the now much-discussed ANNEXATION OF OUDE.

It now remains for us to consider the principles which are alleged to have dictated the proceedings of the East India Company, the course of action which they have pursued, and the justice and propriety of their proceedings. We are well aware that in treating of all Indian questions

* Papers, p. 287.

an English author is placed in considerable difficulty. He has to argue with respect to the exercise of power by the most anomalous and singularly constituted body the world has ever seen. He is shut out by the very circumstances of the case from the use of those authorities which generally may be cited in respect to questions of State policy. The idiosyncracy of Eastern nations is so utterly different from that of European States, that it would be as absurd to try their defects by the precise rules of Western policy, as to judge of their national morality by the Gospel rules which govern Christendom. The first point of importance which presents itself for consideration and discussion, is the history and validity of the Treaty of 1837, since by that treaty a specific mean and method of interference with the rulers of Oude was provided for the East India Company. That treaty, as we have already stated, was concluded between Mahomed Ali Shah, then King of Oude, and Lord Auckland, then Governor-General of India. It was executed at Lucknow on the 11th of September, and ratified by the Governor-General in Council at Fort William on the 17th of the same month.* The preamble sets forth the non-observance of two articles in particular contained in the Treaty of 1801, viz., the third, by which the Sovereigns of Oude were limited in their employment of native military force, and the sixth article, by which they undertook to establish in their reserved dominions a satisfactory system of administration, under the advice of the officers of the Company, but to be carried on by native officials. It then declares that the provisions of the treaty of 1801 are difficult to be fully and completely carried out, and that no remedy exists for the infraction of the sixth article. With a view, therefore, to attain these objects, a subsidy of sixteen lakhs of rupees per annum is reimposed upon the kingdom of Oude to support a native force of not less than two regiments of cavalry, five of infantry,

* Blue-book of Treaties (1853), p. 93.

and two companies of golundauz.* The seventh article of this treaty also secures to the Company the right of temporarily occupying and administering any such portions of Oude as shall be found to be in such a state of anarchy, misrule, and confusion, "as seriously to endanger "the public tranquillity," until the Company deem a proper period shall have arrived for their restoration to the legitimate Sovereign.

The Blue-book of 1853 appends the following statement to the treaty of 1837:—"The Home Government "disapproved of that part of the above treaty which im-"posed on the Oude State the expense of the auxiliary "force; and on the 8th July, 1839, the King was informed "that he was relieved from the cost of maintaining the "auxiliary force, which the British Government had taken "upon itself."† Of the document in which this intimation was conveyed we shall have to speak more hereafter. It is sufficient here to state that the only provision of the treaty therein stated to be annulled is that imposing the payment of the sixteen lakhs of rupees before mentioned. When Lord Hardinge wrote a remonstrance in 1847 to the King of Oude upon the existing state of his kingdom, he based the right of interference upon the treaty of 1837. This "deed of treaty" his Lordship stated to be "an "extension of the deed of treaty of 1801." Again, in 1851, Colonel Sleeman, who was Lord Dalhousie's own Resident at Lucknow, in his Report upon the existing state of Oude, dated the 10th December, states the propriety of the English Government's exercise of "the "powers which the Treaty of 1837 confers upon it, of "taking upon itself the administration (of Oude), and "conducting it by means of its own officers." In 1853 a return was made by the East India Company to an order of the House of Lords for copies of the treaties and engagements between the East India Company and the

* Articles 3 and 4. † Blue-book of Treaties, 1853, p. 94.

native powers in Asia. In this return is included the Treaty of 1837. There is a sort of preface to this Blue-book, signed by Mr. Edwards, then Under-Secretary at *the India House, in which he states that the treaties therein contained*, and the historical notices to them prefixed, had been compiled almost exclusively from the records of the Foreign Department. He also refers to Mr. Mickie, the Deputy-Registrar of the Foreign Department, as having been of material assistance to him in the compilation, from "his intimate acquaintance with the "relations of Government with native States." Authorized, therefore, as was the existence of the Treaty of 1837 (with the exception of the articles relative to the payment of the sixteen lakhs) by the declarations of a subsequent Governor-General and of the British Resident at Oude (quoted in Lord Dalhousie's own Minute, Blue-book, p. 166), it is somewhat startling to find that Lord Dalhousie, in that same Minute, disavows the existence of this very Treaty of 1837, declaring it to be null and void.

Let us now see what has been done publicly to invalidate the provisions of the treaty which do not relate to the proposed subsidy, which proposed subsidy we admit was at once countermanded by the authorities in England.

The succession of Mahomed Ali to the throne of Oude was a matter of dispute.* His accession had only been maintained by the authority and influence of British troops, and this not without bloodshed. Another claimant to the throne proceeded to England to assert his rights.† It would seem that some idea had got abroad that the assistance so rendered to Mahomed Ali was to be made the consideration for the new subsidy. This view of the matter was utterly repudiated by the English Ministry in the House of Commons. In the House of Lords, Lord Glenelg stated that "the treaty, whatever it was, had been

* Thornton's "History of India," vol. vi.

† See "Mirror of Parliament," an. 1838.

"revoked by the Government here, and therefore it was "not binding on the King of Oude."*

A few days subsequently, Lord Lansdowne's words were, —"*I have now distinctly to state, that not only did my* "Noble Friend at the head of the Government in India "(Lord Auckland), immediately upon being informed of "this treaty, express his disapprobation of the manner in "which the promise to secure it had been drawn from the "Sovereign of Oude, but he also caused it it to be inti- "mated in the most explicit manner to that prince that "he was in no degree bound to sign such a treaty, and was "entirely relieved from any stipulations or conditions "which it imposed."†

As to the signing of the treaty and the ratification thereof, no doubt can exist. Lord Glenelg declared, in 1838, that the treaty, whatever it was, had been revoked by the Government in England. The legal method of such a proceeding is specifically provided for by the provisions of the East India Company's Act of 1793.‡ By the 40th section of that Act, the Governor-General in Council, at Fort William, had a superintending and controlling power vested in him over the Governors of Madras and Bombay, and all other Governments erected or to be erected by the said united Company, in all such points as shall relate to any negotiations or transactions with the country Powers or States in India. By the 42d section, "forasmuch as to pursue schemes of conquest and exten- "sion of dominion in India are measures repugnant to the "wish, honour, and policy of this nation," the Governor-General in Council cannot declare war, commence hostilities, or enter into any treaty for making war against any of the country princes or States in India, or any treaty for guaranteeing the possessions of any country, prince, or state, without the direct authority of the Court of Di-

* "Mirror of Parliament," 2d August, 1838.

† "Mirror of Parliament," 6th August, 1838.

‡ 33 Geo. III., c. 52.

rectors. By sections 9, 11, and 16 of the same Act, all communications relative to the civil and military government of the Company's territories, or the revenues thereof, made between the Directors of the Company and the local Governors in India, are to be submitted to the Commissioners for the Control of India, for their supervision and correction. And the authority of these Commissioners is in such matters to be supreme. Moreover, by the 65th section, the disobeying or forbearing to execute the orders of the Directors by any Indian Governor is to be deemed and punished as a misdemeanour at law. It is therefore quite clear that if, as Lord Glenelg stated in 1838, the Treaty of 1837 had been revoked immediately upon its arrival here, that revocation must have been effected either by the Commissioners' exercise of their own authority upon perusal of copies of Lord Auckland's despatches on the subject, or by the authority of the Court of Directors, confirmed and approved by the Board of Control. That some despatches of such a character did go, is quite evident from the following letter of Lord Auckland, dated 8th July, 1839, directed to the King of Oude, and from the subsequent answer:—

Translation of a letter from the Right Hon. the Earl of Auckland, Governor-General of India, to H.M. the King of Oude, dated 8th July, 1839, *Messiah.*

"May the Omnipotent God keep the garden of wealth "and fortune of your Royal Highness, the adorner of the "throne of sovereignty and dignity, and embellisher of "the Royal seat of grandeur and magnificence, ever "blooming, smiling, verdant, and fertile with showers "from the clouds of his own grace.

"Afterwards, let it not remain concealed and veiled "from your illustrious mind, resembling a mirror, that "some months ago there was a correspondence and some "discussion in the way of consultation between me, your "friend, and the Honorable Members of the Court of

" Directors, on the subject of *the recent treaty* under date
" 11th day of the month of September, of the *Christian*
" *year* 1837, *which was concluded and executed between me,*
" *your friend, and your Royal Highness,* the embellisher of
" the throne of sovereignty and magnificence; and al-
" though some portion of the military force stipulated in
" the aforesaid treaty has already been supplied and
" arranged, and for the necessary expenses thereof, a sum
" of sixteen lakhs of rupees per annum was fixed to be
" paid by the Government of your Royal Highness, yet
" the Honourable Members of the aforesaid Court, with
" advertence to your Royal Highness's plea, that some in-
" jury and detriment might, in consequence of such
" arrangement, happen to the territories of Oude, have,
" after due deliberation, *suspended their decision on the*
" *point.*

" As from the very commencement of the period when
" the throne and crown of that dominion derived their
" elegance under the auspicious reign of your Royal
" Highness, the adorner of the throne of sovereignty,
" magnificence, fortune, and wealth, the British Govern-
" ment has experienced and found upon examination the
" good management, justice, and commiseration of your
" Royal Highness, by weighing and distinguishing them
" with reference to those of the past periods, when, in
" consequence of the evils, mismanagements, prodigalities,
" and abuses of wealth which prevailed, there were causes
" for frequent and repeated censures and complaints;
" therefore it is said that I, your friend, am directed and
" authorized at present to relieve the kingdom and terri-
" tories of Oude from that burthen relative to the terms
" contained in the Articles of *the new treaty*, in regard to
" the establishment of a military force, which they may
" be incapable to bear, and to cause payment of the
" expenditure incurred on account of that portion of the
" military force which has now been supplied and
" arranged, to be made from the ever enduring treasury

" of the British Government. Accordingly I, your friend,
" am also desirous, with all my heart and soul, of carrying
" into effect and final execution the aforesaid orders
" which the said Honourable Members of the Court
" of Directors have, with great cordial liberality and natu-
" ral generosity, issued to me.

" I, your Highness's friend, have occasionally been
" contemplating and reflecting upon this matter, that pro-
" bably the heavy burden of charges of the military force
" employed *according to the treaty*, might be the cause of
" heaviness of the fixed and collectible revenue of the
" kingdom, and in consequence thereof distressful hard-
" ships might happen to the subjects of the territories of
" Oude. Now, it is positively certain that this hardship
" being removed, a general satisfaction and reconciliation
" of the tenants, as well as the whole body of the subjects,
" will be effected; or, instead of that, with a view to
" public benefit and general good, foundations for the
" erection and construction of everlasting edifices, such as
" sauyers * and caravanserais, and so forth, buildings may
" be laid; as, by such acts also, the permanency of a good
" name and memory, and likewise a hundredfold comforts
" and ease for the whole body of the subjects and people
" of the country are expected; and I am convinced in my
" own mind, that this general tranquillity of the subjects
" and the welfare of the whole body of the citizens depend
" on the collection of revenues with due moderation and
" justice (which is the cause of humanity, amity, and
" friendship), and the selection of well qualified and
" faithful persons from among the functionaries and ma-
" nagers of business belonging to that Government,
" and the expulsion of malevolent persons, tyrants, and
" ruiners who are habituated to cause distress and practise
" oppression, and to take bribes and defraud the people;
" and your Royal Highness being perfectly acquainted
" with the habits and manners of all the underlings

* Markets or fairs.

" and functionaries employed in every part and quarter
" of the extensive dominions, are better able to adopt
" proper measures for carrying out all orders for the exe-
" cution and management of all affairs, and general usages
" and practices; and it is hoped and expected that all those
" matters will, from day to day, tend to increase and
" improve under the auspices of your Royal Highness,
" who are endowed with every high and virtuous quality.
" I wish that I, your friend, being considered as ever
" desirous of hearing of the good health of your Royal
" Highness's friendly disposed person, may continue to be
" favoured and gratified with your elegant letters and
" excellent notes. May days of composure, and happi-
" ness, and felicity, and joy, ever attend you."

Translation of His Majesty's reply to the above.

" At a happy time, when mention of the laudable
" qualities of yourself, the most select of mankind in the
" world, was being made, tending to expand the bosoms
" of your faithful friends with joy, and at an auspicious
" moment, when the recollection of the amiable disposition
" and moral goodness with which you, the unequalled in
" the world of friendship and amity, are endowed, was
" picturing to the minds of your unfeigned friends the
" realization of divers expectations, I was favoured with
" the translator of the tender words of your tongue, the
" interpreter of bounties, and the informer of the true
" news of your unfeigned favours, that is to say, your
" kind and favourable letter addressed to me (from the
" nature of the words of which, the drift of your benevo-
" lent disposition appeared abundantly clear and manifest,
" and the purport of the sentences of which demonstrated
" and exhibited the form of your affection towards me),
" communicating the glad tidings that, after *a consultation*
" *of some months on the subject of the recent treaty,* under
" date the 11th (eleventh) day of the month of September,
" 1837, between yourself, the adorner of the seat of sub-
" limity and magnificence, and the Honourable Members

" of the Court of Directors, the desire of me, a supplicant
" at the Court of the Creator of the universe, in regard to
" the best and most beneficial arrangement under the
" approbation of yourself, the dispenser of benefits, and
" the Honourable Members of the Court of Directors
" (may God continue their sublimity for ever),* was
" crowned with success, and that permission was granted
" for the suspension of the payment of sixteen lakhs of
" rupees per annum, on account of the pay of the military
" from my State, and that an order was passed for causing
" the amount of the expenses of the military who have
" hitherto been employed to be paid out of the treasury
" of your Government, which laid me, your sincere friend,
" under obligation for such unbounded generosity, and
" made me thankful for such conspicuous commiseration;
" and upon the arrival of this document of your high
" affection, the marks of alliance between both the justly
" disposed Governments, became clearly visible anew to
" the world and all mankind, and the suspicious opinion
" of the nobles and plebeians, and the people in general,
" in respect of your, my benefactor's cordial affection
" towards me, regarding which I, your truly faithful
" friend, made much boast, came under ocular demonstra-
" tion. By God! the truth is, that my deficient tongue
" fails to describe the commendations and encomiums due
" to the justice and equity of the aforesaid Honourable
" Members of the Court of Directors, and to the regard
" and justice of you my benefactor, which have been seen
" and observed in this matter; and in returning thanks
" and expressing gratitude for this great favour and mark
" of commiseration which shall eternally and for ever be
" the means of increasing the dignity and wealth of this
" family, and shall cause the removal of apprehensions
" and anxieties of the Sovereigns of this place in respect
" of all the burthensome terms relative to the military
" force *mentioned in the aforesaid treaty*, my pen with its
" split tongue acknowledges its inability and fault. It is
" surely certain, that by this commiseration and liberality

"of your Government, the splendour and prosperity of "this Royalty will increase every day, and by such "favours and kindness of yourself, the adorner of the "seat of honour and grace, the ease and comforts of the "inhabitants of this city will augment and grow more "and more every moment. And as to what you have "with great kindness hinted to me in your friendly letter "on the subject of the tranquillity and prosperity of the "tenants, and subjects, and construction of everlasting "memorials, and selection of honest and respectable "functionaries, and expulsion of tyrants and receivers of "bribes from the districts, it may be evidently manifest "to your clear mind, resembling a mirror, enlightened "with the light of the graces of the Almighty God, and "showing the nature and character of the state of affairs "of the former and present times, that from the com- "mencement of my reign on the throne of my hereditary "kingdom, by the favour of God, the heart of me, a "supplicant at the Court of the gracious God, is entirely "devoted to the repose and prosperity of my servants and "fellow-creatures, and to the extirpation and destruction "of the root of every description of oppression and "corruption, and to the introduction of a system of "justice and equity into this territory. Finally, I hope "that I, a sincere and undissembling friend of yours, "being considered as one always desirous of hearing the "happy intelligence of the well-being and soundness of "your precious health, may continue to experience "gratification and felicity by being favoured with your "kind letters.

"Dated the twenty-eighth day of the month of "Jamady-ul Uvvul in the Hejeri year 1255, corresponding "with

"True translations,

"THOMAS MENZIES,

"*Agent to H. M. the King of Oude.*

"*Calcutta, September 8th*, 1856."

These letters will fully repay, and indeed are entitled to, a very careful perusal. Whatever despatches had been sent to Lord Auckland by the Court of Directors, he was bound, under the Act of 1793, to carry them out in spirit and to the letter. All that Lord Auckland does under the alleged revocation of the treaty is to announce the disallowance of the proposed subsidy. Except in this particular, the treaty is noticed as valid and in force by Lord Hardinge in 1847; by Colonel Sleeman in 1851, is set forth in full, with a subsequent notice of the part annulled, in the Company's own Blue-book return of 1853; and the only means taken whatever to support Lord Glenelg's statement in 1838, as to revocation, and Lord Dalhousie's averment of the entire nullity of the treaty in 1855, by the East India Company, or anybody else, is a Motion made and carried by Lord Goderich in the House of Commons on 23d May, 1856, "For a return "of copies of all treaties, conventions, and agreements, "made with the native States of India, since 1st May, "1834." From this second return the Oude treaty of 1837 is, it is true, omitted entirely, and Sir James Weir Hogg, in a subsequent speech in the House of Commons, on this matter, stated that there was no such treaty ever in existence.

Lord Glenelg, therefore, must have meant that the revocation of the treaty was formally announced to the Court of Directors, or the Secret Committee; and by them the despatch must have been transmitted to India as it then stood. Lord Auckland was bound to follow out the instructions he so received; and what the tenor of those instructions was, must be inferred from the letter of the Governor-General to the King of Oude.*

Lord Dalhousie, in his Minutes recorded in the Oude Blue-book, speaks of the real and extended nature of the home despatches of 1838 never having been communicated to the King. This is scarcely credible, since Lord Auckland

* Papers, pp. 149, 239—240.

(who is now dead) was not recalled till 1842, that is, four years subsequently. It is quite clear that the Court of Directors must have been acquainted with the proceedings of their own servant, the Governor-General, in the matter. There is indeed great doubt expressed by the most eminent writers as to whether a Sovereign power, which by the medium of a subordinate delegate or ambassador has concluded a treaty with another power, is not absolutely bound by the ratification given thereto by such ambassador. (*Vide Wheaton, lib. 3, cap. 2, passim, and the authorities there cited.*) There is no doubt whatever of the duty of a power so refusing to ratify, immediately to communicate such a refusal most explicitly and fully to the other contracting party. That the East India Company in the case of the treaty with Oude in 1837, however far they may not have intended such a *suppressio veri* to occur, as no doubt did happen, did know of the facts of the case, we can scarcely doubt. During all the years which elapsed between 1838 and 1855, they condoned the omission. They cannot, therefore, now be permitted, on any principle of law, either ordinary or international, to set up the *laches* of their own accredited agent in their own favour. Were such a line of conduct to be permitted, the result would be that the most solemn and sacred treaties might at any moment be either upheld or repudiated, as best might suit the then paramount convenience of the stronger power. We have spoken thus fully of the treaty of 1837, because we know from indisputable authority that up to 1855 no English official in Bengal ever thought the treaty was anything but existing and valid as to the powers of the Company to enter on temporary occupation of portions of Oude when emergency should arise. Such also was the impression existing in the minds of the King and his advisers. It is for the Company and Lord Dalhousie to refute our statements, or to disprove our inferences.

However the question of the conduct of the East India

Company in regard of the treaty of 1837, may be regarded, one conclusion is at all events certain. Either the treaty was valid in 1855, or it was not. If it was valid, then the Company were bound to adopt the specific course therein dictated,—if it were not valid, then they had no right to interfere, as they did, *proprio motu*, for it was to confer this power on them, though in a restricted sense, that the treaty of 1837 was framed.

It now remains for us to consider the minute of Lord Dalhousie recorded on the 18th of June, 1855,† founded as it is more directly and principally upon the evidence contained in the Report of General Outram, the principal conclusions of which we have before quoted. To this evidence itself we will first particularly advert, inasmuch as the other members of Council who supported Lord Dalhousie's views and conclusions, grounded their respective minutes upon the same basis.

When a case has been judged from *ex parte* evidence, the only resource for defence left to the party accused, is to carefully examine the evidence so adduced and acted on, and from it to draw such inferences, and extract such admissions as may be deducible and best selected.

1. We may examine and remark upon the characters and situations of the witnesses :—

Here the witnesses, whose testimony is used against the King of Oude, are all of them English. One set of them are English magistrates resident upon the frontier of Oude, and dependent upon the East India Company, whose chief representative at Lucknow had the conduct of the case against the King. This officer endeavoured, according to his own admission, to obtain from them, under pretext of asking their opinions as to the efficacy of the frontier police, statements as to the increase of crime in Oude.* In this he failed, as he admits (p. 45), and nothing whatever of positive evidence against the King, is to be found in their

* Papers, p. 147. † See Colonel Outram's Letter, page 12.

reports. The other set of witnesses are English officers in the employ of the King of Oude himself. These officers, although holding commissions from the King, do not seem to have thought it unworthy of them to act as spies to the British Government, and write reports *in confidence* (p. 66) to Captain Hayes, the Assistant Resident at Lucknow. Their evidence must, therefore, be regarded with the suspicion which necessarily attaches to all witnesses giving evidence under such antecedents.

The fact of the Paymaster-General plundering the soldiers of their pay—a circumstance loudly complained of by Captain Orr—fully accounts for a very probable bias in the minds of military commanders who are witnesses. On this point, it is very remarkable that neither any English civilian's nor any native individual's testimony whatever is adduced, as against the King of Oude. The only other testimony whatever are extracts from diaries transcribed from the reports of the native news-writers, a class of reporters described (in page 35) as utterly untrustworthy, and ready for a bribe to *suppress* anything in the way of information. The credence to be given to *any* statements *whatever* proceeding from such persons, or to any returns based upon their reports, is, from this same reason, most problematical. When the evidence of the witnesses itself is examined, it will be found to contain an immense proportion of accusations, grounded wholly upon hearsay, floating rumours, and what the writer has understood to be the case in certain instances. Reviewing, therefore, the character and positions of the witnesses, and the circumstances attendant on their giving testimony render the conclusion obvious—

That the English testimony comes from a quarter which, although highly respectable, is, from the very nature of the case itself, unsatisfactory and inconclusive.

2. There are great and manifest discrepancies in the evidence as it stands. As to the increase of crime Major Troup (p. 57) states that in the district of Sultanpore

"crime has increased." Captain Bunbury (p. 58) states, of the *same district*, that "as to crime and atrocity which "used to be so rampant in Oude, such has been greatly "checked;" while Captain Patrick and Captain Alexander Orr regard the state of crime as neither increasing nor decreasing. Mr. Edmonstone in Futtehpore on the frontier, cannot determine the increase or decrease of crime; Mr. Le Bas in Juanpore thinks dacoitee decreased, and that there has been a decided improvement within the last few years; Mr. Chester of Goruckpore shows statistically that frontier crime is on the decrease; Mr. Spankie considers the state of criminal society permanent. Again, with regard to the character of an individual. A person named Agaie Alee Khan being Nazim of Sultanpore had received letters of recommendation from a former Resident at Lucknow, Colonel Sleeman. Colonel Outram (p. 24) states, that "Major Troup, Captain Bunbury, and Captain Patrick Orr, all concur in reflecting on the conduct" of this man, and their statements against him are very strong, and accuse him of all sorts of oppression, crime, and harbouring criminals. Captain Alex. Orr, on p. 66, goes further, for he says that Colonel Sleeman was deceived in Agaie's character, so also were Mr. Tucker and Mr. Lowther, both English Commissioners, but who gave him letters of recommendation. Captain Bunbury also admits the favour which Agaie Alee has found with Mr. Tucker. But Mr. Le Bas, the English magistrate on the frontier, speaks of this very man as the Nazim of Sultanpore, "who has always shown power and willingness to assist "me in every way. Wherever anything has occurred the "Nazim has always been ready to do what I have asked, "and has never shown any disposition to screen or encou-"rage offenders." But these very discrepancies again raise the query, why was no English evidence called? Where are Mr. Tucker and Mr. Lowther? Is it not because they would have shown still farther the hearsay character of these reports.

From what has been shown to exist in the report on the above head, we may fully conclude *that suspicious as the testimony itself is, it contains discrepancies between the witnesses.*

3. The manner in which General Outram has, in one instance above referred to, endeavoured to get over the discrepancies which exist in the evidence, and to fortify his own views, requires particular mention. The weight of evidence being clearly against the increase of crime in Oude, General Outram has recourse to a series of tables, drawn up from the *diaries*, which, as before said, were compiled from the news writers' reports,—men utterly worthless,—and takes the average of crime from them as being *conclusively proved* (p. 36) as *increasing*. Again, as to the character of Agaie Alee Khan, General Outram, who must have known sufficiently of the facts of the case to have obtained full information from the British functionaries in Oude themselves to have called on them for the full truth, slurs over the fact of their having given Agaie letters of recommendation, by saying in a foot note to p. 24 that this man was unfaithful to his king; but anxious to cultivate the good opinion of the English functionaries, whom he has succeeded in deceiving. These facts show, at all events, the *animus* with which the Resident's Report was framed. But the evidence given is unsatisfactory in another point of view. General Outram sums up the case of oppression and cruelty as existing in Oude, as conclusively proved. But, then, in no way can emigration from Oude be shown to exist. Emigration from a country full of oppression and wrong, follows naturally on the part of the persons oppressed. But the frontier magistrates, and the officers of the Oude regiments themselves, admit that emigration does not take place from Oude. General Outram accounts for this on the authority of Major Troup (p. 45), by alleging the extreme attachment of the people oppressed to their country. But he goes on to state that "the middle and

"agricultural classes especially, who might otherwise be
"driven to emigrate, obtain, indirectly, the protection of
"the British Government, to such an extent as preserves
"them from the necessity of having recourse to the ex-
"treme measures of abandoning their birthright." (P. 45.)
And further, in p. 67 Captain Alex. Orr says, "The
"poor, I am happy to say, generally find friends in the
"European officers, and with them are pretty sure to find
"redress and protection." The middle, and the agricultural, and the poor classes, being thus all provided with British protection and redress, the question naturally occurs, who was there left in Oude to suffer such vile oppression? But when oppression is thus spoken of it means oppression for the purpose of extorting extra revenues from the suffering people. Now, not to speak of the extremely unsatisfactory nature of the evidence adduced as to the extent of the Oude revenues, evidence received at second and third hand,—taken simply, in many instances on guess-work, and in others resting simply on the known revenues of periods long previous,—it is a very extraordinary fact that Captain Alexander Orr states at p. 69, that the very Nazim Agaie Alee Khan, who is held up as the type of the Nazims of Oude generally for his gross misconduct, has but one fear, and that is not of the King and Minister, but "of the Residency."

The Blue-book, however, does contain the account of an attempt made by the King's Minister to obtain the advice of the Resident as to the best means of repressing disturbances in a district which refused to pay taxes, and to *maintain tranquillity*. This is contained in a note of an interview on 13th Feb. 1855, given at p. 10. It is also to be observed that all this alleged oppression existed under the "amanee" system,—a system which had actually been forced upon the Government of Oude, by successive Residents and Governors-General of India, who must be held, therefore, responsible for their share of the consequences. Now Captain Orr's Report, which mentions the

fear of the Residency, as powerful with the Nazims, is dated 9th Jan., 1855; and yet a month later, when the Minister asked the Resident's advice upon a subject connected with taxation, rebellion, and it might be inferred, of oppression (according to his own statement), the only answer he received was a demand for full particulars of the revenue thence derived; and General Outram refused to interfere till furnished with the particulars of the resources and expenses of the Durbar.

Still further, the whole of the evidence, or at least by far the larger portion of it, relates solely to the occurrences in one district of Oude, that of Sultanpore. The only other district named in the Reports is that of Gondah, the management of which, at p. 69, meets with great praise from Capt. A. Orr. So that the occurrences in one district are *assumed* to exist in every other; and were the fact so it would have been equally easy to obtain similarly furnished evidence from officers quartered in those localities.

The third conclusion to be arrived at is, *That the inquiry was prosecuted with a foregone conclusion in the mind of General Outram, that things are brought forward as facts without a sufficient basis; that the testimony furnished is inconsistent and inharmonious, as a whole; and that assertions are made as to facts, the results of which do not coincide with general experience, as, for example, where cruelty and oppression are said to exist, no emigration is shown to ensue.*

4. Inasmuch as the consequences of the Report so made, based upon evidence so obtained and received, have been visited upon the King personally, it is to be asked whether any admissions occur in his favour. At p. 16, Colonel Sleeman is quoted, as stating that in matters of finance the King was deceived by the fraudulent conduct of his Minister; but as regards the King himself, he is, on the same authority, stated to be (p. 18) anxious to meet the wishes of the British Government, to have

established the frontier police, and supporting useful institutions for the benefit of Europeans, at a large outlay. Again, as to the existence of crime being properly reported, Capt. P. Orr admits (p. 61) that the Durbars seldom hear of the atrocities committed in the rural districts. Lord Dalhouise, in his Minute (p. 170), fully endorses the favourable testimony borne by Colonel Sleeman and General Outram to the personal friendliness of the King towards the British Government; and in p. 184 this very disposition on the part of the King and his predecessors is made an argument against annexation. The language held by General Low, in his recorded Minute (pp. 225-6), is still stronger, since, from his personal knowledge of the last five princes of Oude as faithful friends—allies always ready to assist the British Government with money, as in 1815 and in 1842; and also with elephants and other stores for troops. The blame then should be laid upon the Minister; and yet in the note of the only interview we hear between the Minister and the President, the earnest requests of the former for assistance and advice are met with a demand for information by the latter which the Minister felt it his duty to refuse.

It may be concluded, then, that *from the admissions directly made in the Blue-book, the King himself was a person of sufficient character to protect him from being so personally despoiled of his kingdom which his servants had mismanaged.*

The immediate Report of General Outram, based, as we apprehend it to be, upon evidence at least uncertain and inconclusive, is sought to be supported in its authority by somewhat lengthy references to the Reports of prior Residents at Lucknow, and to the proceedings of preceding Governors-General. Lord Dalhousie says,* that in consequence of the then Resident's representations, Lord William Bentinck, as Governor-General, addressed

* Papers, p. 155.

a threatening warning to the King of Oude. It is extremely easy to state bare facts, as they appear recorded in official documents; but, surely, the well-considered details of such matters, given by impartial and accredited historians, after extensive investigation and research upon the subject, must be taken as good evidence *per contra*, for all purposes of justice. Let us, therefore, for one moment advert to the real facts attendant upon this repeatedly quoted interference with the King of Oude by Lord William Bentinck, in 1831. Hakim Mehdi, a Minister of ability, had been dismissed by the King, Nasir-ood-Deen, but afterwards restored. He introduced considerable reforms, improved the finances, diminished the expenses, and checked corruption. Such reforms, from the nature of the persons whom they were to affect, necessarily proceeded but slowly. The kingdom, however, was ameliorated, but the Resident still represented it to be in so incurable a stage of decline as only to be saved by the assumption of the administration for a season.* It was under these circumstances that Lord W. Bentinck addressed himself to the King, in 1831. The effect was satisfactory; but when the Minister again applied to the Resident for counsel and support, he was refused, and the refusal supported by the Governor-General.†

After this interference by Lord William Bentinck, comes a period reaching to 1839, of which little is said; but during which the treaty of 1837 was made and ratified. Of this treaty we have already said enough, save to remark that in page 155 the date is given of the receipt by Lord Auckland of the despatch, finally annulling the proposed measure, namely, October, 1839; but it is not pretended that this was ever communicated to the King.

"From 1839 to 1847,"‡ says Lord Dalhousie, "three

* Mem. on Oude Affairs, by Mr. Maddock. Report Committee House of Commons. Pol. App. vi., No. 28.

† See Mill 9, p. 373. ‡ Papers, p. 156.

"kings successively sat upon the throne of Oude; but "the state of the province, in the last-mentioned year, "was in no respect better than it had been at any "previous period, in spite of the earnest advice and "solemn warnings repeatedly offered to the King, and "urged by the authority of the Supreme Government." With regard to this period we would merely ask, why is no mention made of the important fact that it was then that the highly important force of the Oude frontier police was organized and supported by the reigning King, and has ever since existed. Neither is the Report of Mr. Davidson, the succeeding Resident at Lucknow, known as it was and is to have been favourable to the state of the country, in any way alluded to. This seems to us to be scarcely a fair treatment of present individual interests upon so important a question.

But more than this, the interference of Lord Hardinge, in 1847, is passed over as briefly as possible. The letter sent to the King of Oude, and the interview held with him by Lord Hardinge, were both, in fact, based upon the supposed Treaty of 1837, as shown by the extract of his Lordship's letter before given. But we can go further, shortly after that time a proposition was made by the King, to assimilate the internal jurisdiction and economy of some of his frontier provinces to that of the Company's territories; the plan was drawn up, approved by the King, sent to Calcutta, and refused, because it did not at once apply to the whole kingdom of Oude. Yet all this, although a matter in which the British officers of the Lucknow Residency were employed, is completely omitted in Lord Dalhousie's statement. And yet, where it is thought useful, Colonel Richmond's Reports are quoted against the ruler of Oude, he having been Resident in 1847. He was succeeded by Colonel Sleeman, of whose proceedings we shall have to speak more fully when we come to discuss the provisions of the Treaty of 1801.

It is clear that all these extracts from Reports quoted

by Lord Dalhousie, must be regarded as extracts made for a purpose, namely, to support an *ex parte* case. We do not for one moment impugn their accuracy. But we do assert the right of any person accused of any wrong to have the whole of the depositions given against him set forth, and not to be presented for condemnation upon passages simply therefrom selected by the prosecutor.

The summing up of the whole charge against the King of Oude is taken by General Outram from the words of Colonel Sleeman, as contained in the Report made by the latter in 1851. Lord Dalhousie adopts the conclusion as his own, and thus the sentence runs:—

" Fifty years of sad experience have shown that the " hopes in which the Treaty of 1801—that Sovereigns of " the reigning family of Oude would be disposed, and able, " to form and carry out, by means of their own officers, a " system of administration calculated to secure life and " property, to promote the welfare and happiness of the " people of Oude, and to render the alliance with the " British Government, who were to protect those " Sovereigns from all foreign and domestic enemies, if not " honourable to that Government, at least irreproachable— " were altogether fallacious, and never can be realized."*

This is a sweeping charge. The experience of fifty long years is appealed to in its support. How might the experience of those same fifty years have been called in aid by the King of Oude. Would it not have been to show that during that period Kings of Oude had in 1814 and 1815 † lent to the British Government two millions sterling to carry on the Nepaul war—had in 1825 in the Burmese and Bhurtpore wars advanced a further million sterling, ‡ reserving the interest to be paid solely as the pensions of Oudean stipendiaries—had in 1829 lent the British Government 624,000*l.* § more, again naming members of the Royal family of Oude as recipients of the

* Papers, p. 168.
† Treaties, p. 86.
‡ Treaties, p. 88.
§ Treaties, p. 89.

interest thereof—had in 1833 intrusted that same Government with 30,000*l.*,* as trustees to pay the interest for ever to the poor of Lucknow—and, even so late as 1842, had furnished 440,000*l.*† more to help Lord Ellenborough to retrieve the disasters of Affghanistan ? ‡ That during those fifty years in the times of the Company's wars the Kings of Oude had furnished the Company with elephants and other most necessary stores; had established an excellent frontier police; had always been faithful and true allies, even in the vast turmoil of the Sikh campaign; and in all measures depending upon a native Prince, which relate exclusively to the interest of the paramount State, had always been unusually attentive and efficient. § That, time after time, under Lord Moira, || under Lord William Bentinck,¶ under Lord Hardinge, and even under Lord Dalhousie himself,** advice and assistance was sought of the British Goverment by the rulers of Oude, and either refused by the Resident, or forbidden by the Governor-General.

We do not plead these facts as (in legal phraseology) a kind of moral set-off; still less do we state them as matters *in misericordiam.* We only bring them forward as reasons for our readers to distrust *ex parte* statements, and to adopt for themselves the safe and sound maxim, "*audi alteram partem,*" before any judgment be definitively pronounced upon a case.

And with regard to the loans we have just mentioned it must be remembered that, in commutation of the million sterling lent by Oude in 1815, a defined territory was assigned to the King, taken from the Ghoorkha lands just conquered by the Company.†† The Treaty of Cession contains no stipulations like those of 1801 as to Govern-

* Treaties, p. 91. † Papers, 226.

‡ See also Parliamentary Return of money owing, in 1855, to the King of Oude from the Company, printed 14th March, 1856.

§ Papers, p 226. || 8 Mill's History of India.

¶ 9 Mill, p. 373. ** Papers, p. 10. †† Treaties, p. 86.

ment. Surely, then, the declaration, that the latter treaty is dissolved by reason of the mismanagement of the kingdom of Oude, cannot be held to apply to property acquired fifteen years afterwards on specific and personal ground by a subsequent king.

There only now remains the question of the right of Lord Dalhousie's Government to abrogate the Treaty of 1801.

In the Minutes recorded upon the subject by Lord Dalhousie, * Mr Dorin, and Major-General Low, the argument is based upon the failure by the King of Oude of attention to, or observation of the duty entailed upon his predecessors and himself in 1801, of carrying on a proper system of Government. We defer comment upon this argument till we make reference to a subsequent Minute.

The next Minute, † that of Mr. Grant, is a very elaborate and comprehensive argument. This argument does, in fact, divide itself into two heads :—

First, That the Treaty of 1801 was an arrangement authorized, and alleged to be authorized by no treaty, but to which the Nawaub was forced to yield. And that, although the obligation of the Nawaub to pay the subsidy sprang from treaties, Lord Wellesley's right to secure payment of the subsidy sprang from no treaty, *i.e.*, that no territory had been hypothecated for such payment.‡

In answer to this argument, while we perfectly admit that no territory had been specifically hypothecated, we will quote, as to Lord Wellesley's right to secure the payment of the subsidy, the Eleventh Article of the Treaty concluded by Sir John Shore with the Nawaub of Oude, in 1798§ :—

" As the payment of the Company's troops in Oude
" depends upon the regular discharge of the subsidy,
" stated in the second and third articles of this treaty, the

* Papers, pp. 182, 191, 197.
† Papers, p. 199.
‡ Papers, p. 204.
§ Treaties, p. 73.

"said Nawaub engages to exert his utmost endeavours to "discharge the stipulated kist with punctuality; but, if "contrary to the sincere intentions and exertions of the "said Nawaub, the payment of the kist shall fall into "arrears, the said Nawaub, Ali Khan, engages and "promises that he will then give such security to the "Company for the discharge of the existing arrears, and "the future regular payment of the kists, as shall be "deemed satisfactory."

Surely such a stipulation as this, in an antecedent treaty, was sufficient to enable a Governor-General to call for a distinct security, or means of payment, to be given to the Government of India. That such a step was necessary appears from the statements of Mr. Mill. That political considerations had weight at the time no one can deny:—

"It cannot be denied that the political interests of the "British Government strongly recommended the appro- "priation of the ceded provinces. Continued punctuality "in the payment of the subsidy was an evident impossi- "bility, from the diminishing resources of the Nawaub, "and the subsidiary force must have been reduced or "disbanded, or kept up at the Company's cost. The "condition of the districts in the Dooab was also a sub- "ject of uneasiness, as, in the event of a collision with "the Mahrattas, the movements of the British armies "would have been embarrassed by the necessity of holding "in check a disorganised and turbulent population. The "readiest method of preventing such results was the "establishment of the British authority in the territories "in question, the maintenance of order, and the applica- "tion of the revenues to the payment of the subsidiary "force." †

Upon these grounds the historian rests the vindication of the annexation Treaty in 1801.

Secondly, Mr. Grant argues ‡ that the Soubahdars of Oude were never sovereign princes in their own right, and

* Mill. Ed. 1845, Vol. VII., p. 164. † Papers, p. 216.

that they never threw off their allegiance to the Emperor of Mogul; therefore, he says, when the British Government succeeded to the Empire of Mogul it acquired permanent dominion over Oude, by a double right.

The whole question of the originally paramount authority of the Emperor, and of its subsequent decline, has already been put before our readers in the earlier pages of this pamphlet. But with reference to that portion of Mr. Grant's argument which relates to the *status* of the King of Oude, * we must remark that, in 1819, the "ruler of Oude, with the approbation of the "British Government, changed his title from that of "Vizier (or Nawaub) to that of King of Oude, and his "Majesty was crowned in due form." A new and much more independent sovereignty was thereby conferred upon the ruler of Oude. And this occurred between the Treaty of 1801 being made and the period of Mr. Grant's Minute. We are content to rest our statement for the present upon the authorities of Mr. Mill's History, and of the Marquis of Hastings himself, the very Governor-General who sanctioned the change:—

"He (the King of Oude) now holds his dominions in "independent sovereignty; as Nawaub he exercised only "a delegated sway, which the British Government, as "representing that of Delhi, had the right to resume at "its own discretion. Names are sometimes as real as "things, and the King of Oude is not for any purpose "the same as the Nawaub Vizier. † It was expedient to "sow dissension in this manner between the rival Kings "of Delhi and Oude, in order to prevent co-operation "against the English, but to preserve his relations as "towards the English Government." ‡

We apprehend that these special arguments of Mr.

* Treaties, p. 87. † 8 Mill, 505.

‡ "Summary by the Marquis of Hastings of the Operations in India, and their Results. Printed for the Proprietors. June, 1824."

Grant are fully met by the extracts and authorities which we have given.

We submit that they conclusively show that the circumstances which are said to have justified Lord Wellesley's proceedings in 1801 were by no means analogous to those which existed in 1855, and that the interests of the Company in the latter year were different from those which the measure of the former period was specifically designed to defend. Neither do we admit that in 1855 the King of Oude stood in the same position to the Company that the Soubahdars of Oude may originally have held towards the Emperor of Mogul. Stripped of these special arguments, Mr. Grant's whole plea for annexation rests upon the violation of the 6th art. of the treaty of 1801.

The point which remains to be considered is that which is raised somewhat incidentally in the Minutes of Lord Dalhousie, Mr. Dorin, Major-Gen. Low, and Mr. Grant, but which forms the principal ground of argument in the recorded Minute of Mr. Peacock.*

Mr. Peacock argues, on the authority of Vattel, "That "a nation may obtain a perfect right by treaty; and that "a breach of a contract or treaty is an injury which confers "upon *the injured nation* a right to resort to force for the "purpose of obtaining *her rights*." Every one acquainted with the Advocate-General of Bengal must admit the great authority which attaches to the opinion of so eminent a lawyer. But we still venture to submit that his arguments and conclusions are not applicable to a case like the present.

Let us first consider the condition of the contracting States to the Treaty of 1801, after the ratification thereof. No one who carefully peruses that Treaty, together with Lord Wellesley's own memorandum† as to its meaning, can, we think, for one moment deny that the State of Oude was an independent State for all purposes of *political* relations

* Papers, p. 228. † Treaties, p. 81, 83.

with the English Government. The Vizier's authority was upheld to the fullest extent within his reserved dominions. Oude paid the English no tribute and no subsidy. The English Government might offer advice through its Ambassador or Resident at Lucknow, but there its power of immediate interference terminated. Under these circumstances, we apprehend that "the rights" of which Mr. Peacock speaks acquired under that treaty by the English Government were of two kinds. The first may be called positive rights—namely, the right of absolute possession of the ceded districts and full control of the same.* Mr. Peacock very truly observes, that had the Ruler of Oude refused to make the concession agreed upon, had he failed to carry out the establishment of the Company's authority in these lands, it would have placed the Company in the position of an injured party to the treaty, and the Company would have been justified in resorting to force to obtain their positive rights. But we also apprehend that the "rights" which the Company are said to have acquired, and, therefore, to be justified in enforcing, under the sixth article, were *relative* rights, and not positive. By the term "relative rights" we mean such as would be infringed by any conduct on the part of the Vizier of Oude which should place in peril the safety of the Company's possessions. Should the Company's territory or power be placed in jeopardy by the non-observance of that sixth article, then we perfectly admit that interference would be justifiable. But how stands the case upon the evidence contained in the Company's own Blue Book? There is no complaint of any aggression by the people of Oude or their rulers upon the territories or property of the Company. The evidence of the magistrates on the frontier is decidedly the other way. At all events, the Oude frontier police † are everywhere spoken of in the

* Papers, p. 229.

† We may here observe that Lord Dalhousie's argument, that under the treaties no English officers could be employed in Oude, is refuted

highest terms as to their efficiency. Neither is there any allegation of British subjects resident in Oude being in any way oppressed. Still less is there any appeal from an oppressed native population to our Government for succour and relief. No suspected intrigue is alleged to have existed between the Kings of Oude and other native powers inimical to the Company's interests. No subsidy or tribute was due; on the contrary, the English Government were somewhat heavily indebted to the King's treasury. Had any one of these features existed in the Oude case we would have admitted Mr. Peacock's conclusion, that certain "rights" of the Company had been infringed so as to cause an injury to the Company which might be repaired by force. We say that the Company had sustained no such injury of their *rights* whatever. The cases cited in Mr. Wheaton's work on International Law,* as justifying external interference with the internal affairs of individual States fully support the position we have advanced.

The conclusion at which we arrive as to the Treaty of 1801 is this, that even admitting for the sake of argument the truth and accuracy of the evidence adduced by the Governor-General of India against the King of Oude, no infringement of that treaty, as against the East India Company, had been committed by the King, which, according to the rules of international law, could justify the abrogation of the treaty, still less the armed occupation and annexation of the kingdom of Oude.

We will even go further, and say, that no case has been made out of the necessity of English interference for the purposes of conferring benefit on the population of Oude. This may seem a bold thing to say, but English views of Government as little agree with those held by Eastern

by the fact that it was with the full sanction of the Oudian authorities that the frontier police were, and always have been, commanded by English officers.

* See Part 2, cap. 1.

potentates as do the wishes and feelings of Indian native subjects coincide with the social ideas of happiness entertained by English communities. If any one will carefully peruse the history of Oude, as detailed in the authorized work of Mr. Mill, during the last fifty years, they will find uniformly that when the rulers of Oude were left to themselves the state of the country and the finances improved; but that when English interference meddled with the native polity, confusion and disappointment uniformly followed.

Oude is now annexed, however wrongfully and however unjustly. We do most earnestly protest against the measure itself and against the way in which it has been carried out. We deny alike its justice and its expediency; and as to the future condition of the people of Oude, we feel we cannot better conclude than in the almost prophetic words of Mr. Mill, who, speaking in his "History of India" of Lord W. Bentinck's threat, in 1831, to take possession, spoke almost prophetically of the events of 1855*:—

"Although recourse to such a violent mode of cure "might have been justified by the supposed extremity "of the case, yet, as we have already had occasion to "observe, it may be questioned if the case was as hopeless "as had been represented. The misrule of native princes "was no novelty in the history of India, but the deplor-"able accounts of its effects in Oude seem to have been "repeated without investigation. That the sovereign "was dissipated and prodigal—that his favourites, whether "in the interior of his palace or in his Court, were extra-"vagant and corrupt—that the police was lax and ineffi-"cient—that the system of farming the revenues and "entrusting the farmers with discretional power was "pregnant with gross abuses, and productive of exaction "and oppression—that the landholders were driven by it "to occasional resistance, which the unaided force of the "Government was unable to overcome—and that in many

* 9 Mill, 375—7.

" parts, particularly on the borders, bands of marauders
" plundered the peaceable inhabitants, both of Oude and
" the territories of the Company, with impunity,—all
" these things might be perfectly true, but it did not
" therefore follow that the people at large were intoler-
" ably burdened, or that the country was in a state of
" irremediable anarchy or incurable decline. We have
" evidence to the contrary, and the frequent assertions of
" ocular witnesses are on record, that Oude was in as
" prosperous a condition as the Company's own pro-
" vinces;* and that whatever grievances the people might
" endure, they considered them light in comparison with
" the unrelenting pressure of the revenue system of their
" neighbours or the wearisome and vexatious processes of
" their courts of justice. Certain it is, that the subjects
" of the King of Oude never showed any disposition to
" seek a refuge from their miseries in the contiguous
" districts under British rule, and that the tide of emigra-
" tion, so far as it influenced the undulation of the popu-
" lation, was more inclined to set in an opposite direction.
" At any rate, whatever might be the condition of the
" people, and however susceptible it might be of allevia-
" tion, there was no reason to believe that its improve-
" ment was alone to be secured by their transfer to foreign
" domination. The Governor-General had power by
" treaty, and the right, to dictate to the Government of
" Oude the course to be followed. The right was not
" only recognised, but its exercise was requested, and
" yet, with a strange and incongruous perversity, the
" interference was withheld, as if it had been the policy
" of the British Government to create, by non-interference
" for preservation, a crisis which should warrant its inter-
" fering for the total subversion of the sovereignty.

" The kingdom of Oude remains (1845) under the
" direction of a Government of which it may be justly

* Bishop Heber, vol. i., 374, 403; "Notes on Indian Affairs," by the Hon. F. J. Shore, i., 156.

" asserted that it is not worse than native rule in general;
" and that, while it is discredited by many great and
" inherent defects, it has also its compensations in its
" exemptions from many of the evils which are equally
" inseparable from the sovereignty of strangers."*

* 9 Mill, 375—7.

FINIS.

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APPENDIX

TO

"THE OUDE QUESTION

STATED AND CONSIDERED;

WITH REFERENCES TO PUBLISHED OFFICIAL DOCUMENTS."

LONDON:
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1857.

APPENDIX

TO

"THE OUDE QUESTION."

SINCE the foregoing pamphlet was in the press we have had an opportunity of perusing a translation of the often-mentioned letter, written in 1847, by Lord Hardinge, to the King of Oude. We subjoin a copy of this most important document, and we invite our readers' most careful attention thereto:—

" Let it be known to your Majesty that it is incumbent
" upon the Resident, by virtue of the treaty of 1801,
" to counsel the Sovereign of Oude, and necessary for
" the Sovereign to consult the representative of the
" Government with regard to the administration of his
" country, and to follow such advice as he, the Resident,
" may tender to him; considering that it is our inten-
" tion to be always assisting you with such advice as will
" assure your Majesty that the friendship of your Govern-
" ment is always the study and desire of the Honourable
" East India Company. And this state of amity has
" existed for the last forty-six years between this Govern-
" ment and your Majesty's ancestors. This Government
" also expects and hopes, as heretofore, to see the
" Sovereign of Oude firm and stable on his throne,
" without any diminution of his rights, and that he may
" enjoy all his pomp and dignity. The forbearance and
" the strict observance of treaties by the British Govern-
" ment towards princes is evident from a considera-

" tion of the Company's immense power as exhibited in
" the Punjab and Kashmere. And also it is evident and
" proved that the British, in addition to the strict observ-
" ance of their treaties and the support of the dignity of
" the native princes, look to the amelioration and the
" improvement of the condition of the Rayots; for
" instance, in the last year the Government declared
" conditionally that unless the Resident were intrusted
" with the entire protection of the Rayots (cultivators)
" from oppression, the Government would withdraw their
" protection from the Punjab territory. The treaty of
" 1801, between your Majesty's ancestors and the English
" Government, provides for the English Government's
" protection of the rights of the people.. The sixth
" Article provides thus:—'His Excellency engages that
" he will establish in his reserved dominions such a
" system of administration, to be carried into effect by his
" own officers, as shall be conducive to the prosperity of
" his subjects, and be calculated to secure the lives and
" property of the inhabitants; and his Excellency will
" always advise with, and act in conformity to the counsel
" of the officers of the said Honourable Company.'

" By the Convention of 1802, signed by the Governor-
" General, Lord Wellesley, Nawaub Wuzier-ool-Momolik
" agreed to provide for the protection of the Rayots, and
" to afford them justice without any opposition or detri-
" ment; also the said Nawaub wrote requesting that the
" Government would afford him assistance in enforcing
" obedience to his orders.

" From these conditions, which have been firm and
" binding for the last forty-six years, it is clear and
" manifest that when the British Government undertook
" the entire protection of the authority of the Sovereign,
" they also took upon themselves the protection of the
" Rayots; *and in the treaty dated in* 1837 there is inserted
" as follows:—Article VII.—'In modification of Article
" VI. of the treaty above referred to, it is hereby pro-

"vided that the King of Oude will take into his imme-
"diate and earnest consideration, in concert with the
"British Resident, the best means of remedying the
"existing defects in the police, and in the judicial and
"revenue administrations of his dominions, and that if
"his Majesty should neglect to attend to the advice and
"counsel of the British Government, or its local repre-
"sentative; and if (which God forbid) gross and syste-
"matic oppression, anarchy, and misrule should hereafter
"at any time prevail within the Oude dominions, such as
"seriously to endanger the public tranquillity, the British
"Government reserves to itself the right of appointing its
"own officers to the management of whatsoever portions
"of the Oude territory, either to a small or to a great
"extent, in which such misrule as that above alluded to
"may have occurred, for so long a period as it may deem
"necessary, the surplus receipts in such case, after defray-
"ing all charges, to be paid into the King's treasury,
"and a true and faithful account rendered to his Majesty
"of the receipts and expenditure of the territories so
"assumed.'

"*This Treaty of* 1837 *is in confirmation and extension of*
"*the Treaty of* 1801, *for it gives power of interference to*
"*the British Government when necessary for the proper*
"*government of the kingdom.* Your Majesty will feel
"assured, after perusing the Sixth Article of the Treaty
"of 1801, that it is absolutely necessary for the Governor-
"General to perform strictly the articles of the Treaty of
"1801, relative to the Rayots of Oude, because if the
"Governor-General shuts his eyes to the anarchy and
"disorganisation which he has power to amend, by virtue
"of the treaty, then he might be reckoned a party to
"such wrong-doings. Under such circumstances it is to
"be regretted that the Sovereigns of Oude do not think
"that a Governor-General, by taking such a load of
"infamy upon him, as would ensue from his non-inter-
"ference, would be acting contrary to the laws of the

"British nation, and contrary to all high feeling. It is a
"fact that friendly advice has often been given on these
"occasions, but without avail. Now, I sincerely hope
"your Majesty will pursue in these affairs a more wise
"and cautious course than your ancestors have, so that it
"may not happen that, instead of offering friendly advice,
"we take full and entire possession. Lord William
"Bentinck (then the Governor-General of India), in
"1831, tendered the same advice to the deceased King
"when on a visit to his Majesty. And at that time the
"Governor-General said clearly, that he had given his
"Majesty a clear understanding on every point, and told
"him plainly that if he did not intend to attend to it then
"he would write to the Home Authorities, and recom-
"mend that the country of Oude should be brought
"under the British Administration, and the said Governor-
"General did write to that effect, and the Court of
"Directors concurred with him in that opinion.

"Let not this be concealed from your Majesty, and let
"the rust of doubt be cleared from your mind—that an
"instruction has come from the Court of Directors re-
"garding the administration of the country—that is, to
"place the affairs under the supervision of British officers;
"and, after a great deliberation and consideration, the
"Directors have left the whole affair to the discretion
"of the Governor-General in Council, to do what he
"thought best, and, in fact, if the administration of the
"kingdom of Oude do not improve, in that case the
"Members of the Council will agree with the Governor-
"General that they must execute the power left to them
"whenever they may think proper. Acting in accordance
"with this view, Lord William Bentinck wrote to the
"King, on the 5th January, 1835, strictly enjoining the
"King to improve and repair his mal-administration, and
"to observe the articles of the treaty, besides many other
"passages of his letter, which all tended to show the
"same thing. One passage of his letter is to this effect:

" ' That his Majesty would clearly understand, however his
" relation stands with us according to the treaty, especially
" when an extreme mal-administration takes place, then
" it would become necessary to act as he (the Governor-
" General) might think advisable ; and that such a course
" of action was not optional to him, but absolutely neces-
" sary.'

" It is now three years since a letter was addressed to
" his late Majesty, of blessed memory, to this purport,—
" that the mal-administration of the kingdom of Oude is
" extreme ; necessary arrangements must be made for its
" reparation ; and I feel extremely sorry that the Moder-
" ool-Mahom has been obliged to resign his office, which
" was contrary to the wish of the Resident. Not-
" withstanding this, your Majesty has dismissed him on
" your accession to the throne, and appointed another,
" contrary to the advice of the Resident ; and, ac-
" cording to the Treaty, the Governor-General has power
" to insist upon your Majesty adopting the counsel
" and friendly advice of the Resident. But your Ma-
" jesty is answerable for all bad administration. Such
" has been written to you through the Resident, who has
" received orders to assist and advise in the improvement
" of the country with the present Minister, who has been
" appointed by your Majesty. And be assured that, so
" long as the Moder-ool-Mahom will respect with honour,
" sincerity, and integrity the rights of the King and of
" the people, the Resident will assist him with heart and
" soul. I regret to hear that mal-administration is still
" extreme with respect to the judicial and revenue
" administration of the Oude territory. And also it is to
" be regretted that your Majesty, a few weeks after your
" accession to the throne, being instigated by some ill-
" designed person, ordered several of the Hindoo pagodas
" to be razed ; and many similar wrong-doings have come
" to my knowledge, such as if I were to describe them all,
" would cause a very great deal of unpleasant feeling. It

" suffices to say that, during such a course of conduct,
" many acts of oppression and tyranny have been proved,
" and authenticated beyond all doubt, and confirmed by
" the Reports of the officers appointed on the borders
" of the kingdom of Oude. On hearing these circum-
" stances, I did not think it proper to write to you upon
" the subject immediately, thinking that on my way to
" Calcutta I would explain them to your Majesty ver-
" bally in a friendly manner. At this auspicious and
" august period of your Majesty's accession to the throne
" it is desirable to ameliorate your system of government,
" and such orders as your Majesty may deem necessary for
" the amelioration it is your Majesty's duty to communi-
" cate fully to the people, in order that they may be fully
" sensible of your Majesty's intention to improve the
" Government and relieve oppression. Your Majesty's
" good name depends upon your at once protecting your
" people from oppression and heavy taxation, and thereby
" saving them from destruction and ruination.

" In case of delaying the execution of this policy, it has
" been determined by the British Government to take the
" management of the kingdom of Oude under their own
" authority. Reform will give your Majesty a good
" name. Should this not take place (which God forbid),
" the performance of my duty will cause me profound
" regret, because it is my sincere desire that our allies
" should ever continue to maintain their pomp and rank.

" Taking into consideration your Majesty's inexperi-
" ence in these matters, I do not propose to carry into
" effect the directions of the Court of Directors, nor do I
" wish to make your Majesty answerable for the oppres-
" sion of your ancestors; nor can I expect that the
" removal of the bad system of rule could be at once
" effected; but the immediate exertion and endeavour of
" your Majesty are essential. And be assured that,
" whatever the English Government may do to prevent
" and remedy the bad usages of the Government of your

"country, it will not affect your rights or lower you in
"your dignity. Now, what I have arranged will be soon
"put to the test. The English Government will en-
"deavour, as far as possible, to protect the Rayots with-
"out abolishing the old customs. To carry out such a
"design is difficult; but its fulfilment depends chiefly
"upon your Majesty's hearty co-operation with the
"Moder-ool-Mahom and the Resident, and on your
"adoption of such measures as may tend to a good result,
"as occurred in the following instance:—

"The principality of Nagpoor, the administration of
"which was assumed by the British officers, and then
"made over again to its former owners. The result was
"security to the rights of its Sovereign, the increase of
"the revenue, and the tranquillity of its subjects ensured.
"The first step should be this, to ascertain the income of
"every town, and then to fix a certain moderate sum of
"taxation thereon, that the Rayots may know the sum of
"their expenditure. This arrangement is to endure for
"not less than five years, and then it is not to be set aside
"without the concurrence of the Resident. It is neces-
"sary that this new regulation should take effect within
"two years before the beginning of Fusslee 1258; and,
"after the lapse of this period, the British officers will
"ascertain what is the result of this new arrangement.
"But if the Governor-General shall learn that, during
"this period, the tyranny and oppression of the people is
"not diminished, then he will feel himself justified in
"interfering, and exercising the power which, by virtue
"of the Treaty, is left to him. The Minister will forward
"a Report of the circumstances to the Governor-General,
"at the end of each season. And this could be done
"privately, as perhaps the publication of such a measure
"may be hurtful to your Majesty's feelings. And if your
"Majesty's officers should be unable to carry on the
"business, and should require assistance of British
"officers, the Government will readily assist your Majesty.

"These officers will occasionally visit the interior, and
"will see with their own eyes any mal-administration, and
"will remedy it by having the new arrangement continued;
"but as to the details of this arrangement, the Minister
"will consult the Resident; and if your Majesty will act
"sincerely, you will accordingly observe, as the results,
"within two years, that oppression will be removed, and
"that without the least prejudicing your authority, power,
"or the customs of the country. And if your Majesty
"will not adopt these recommendations, or, once adopting
"them, afterwards abandon the same, your Majesty well
"knows what course will be pursued by the British
"Government, and all the Princes will know that, in the
"first instance, a friendly advice has been tendered to
"your Majesty, and that what may happen will have been
"caused by your Majesty.

"The large army which is kept up in Oude is contrary
"to the Treaty of 1801; and it is provided in the Treaty
"that Nawaub Wuzier-ool-Momolik may retain an army
"of four battalions of infantry, one of mawattees, 2,000
"horse, and 300 artillerymen; and, also, it is well known
"that, in the Treaty of 1837, whatever was said about the
"army, it remains wholly unobserved. Now, your Majesty
"keeps up an army of 5,000 gunners and 400 guns,
"4,000 horse, 44,000 foot. To keep such an army is to
"coerce the Rayots in collection; and if this army is
"diminished, the Rayots will become rebels, and set up
"their own government. But the new system of arrange-
"ment will be pleasing to the Rayots; the reduction of
"the army then will be easy, and the income will increase.
"The judicial administration and the appointment of a
"Court of Justice is very necessary; and my earnest
"prayer to your Majesty is, that the remonstrance of the
"Resident as to the employment of the singers, musicians,
"and other unworthy people in high stations, being
"highly improper, should be attended to. As I hear
"that your Majesty has, in accordance with the advice

" of the Resident, turned out those low people in-
" festing your Majesty's Court, and who have caused
" your Majesty to have a bad name, so, for the future, I
" earnestly hope you will dismiss the low and bad people
" from your Court, in which proceeding your Majesty
" will show much wisdom, as it is most essential. There-
" fore, I have to ask your Majesty to give an answer to
" all these matters, in detail, within one week, through
" the Resident, who will forward it to me; and if your
" Majesty pleases, you may communicate on the minor
" points verbally with the Minister and the Resident. In
" writing all this, I assure your Majesty that the English
" Government has no object whatever except to enable
" your Majesty, as one of the most supreme of all the
" Princes of India, wisely and properly to execute all my
" friendly advices, and to observe the treaties and con-
" ventions faithfully, and so ever to be adding splendour
" to your throne, and that the Rayots may be protected,
" than which nothing could be more gratifying to me.
" And now be assured that I am always looking for your
" Majesty's welfare and prosperity, because there exists a
" very great and ancient amity and friendship between
" your Majesty and the British Government. I hope this
" may be everlasting, that your Majesty's pomp and
" dignity may be increasing, and that the Rayots may be
" contented and satisfied.

(Signed) " HARDINGE."

(True Translation.)

SYED ABDOOLLAH,

PERSIAN TRANSLATOR.

THE

WAR IN OUDE.

BY

JOHN MALCOLM LUDLOW,

BARRISTER-AT-LAW,

AUTHOR OF 'BRITISH INDIA, ITS RACES AND ITS HISTORY.'

"Forasmuch as to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour, and policy of this nation . . ."—*Charter of* 1784, 24 Geo. III., sess. 2, c. 25, s. 34; *Charter of* 1793, 33 Geo. III., c. 52, s. 42.

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CONTENTS.

[The present Pamphlet was written before the debate on Mr. Baillie's Motion, February 16, 1858.]

THE WAR IN OUDE.

I. THE WAR IN OUDE, AS DISTINCT FROM THE INDIAN MUTINIES.

Is England prepared to spend much more blood and treasure upon an unjust war?

I speak not of the war in India generally, but of the war in Oude. I say not that the warfare of the past twelvemonth has been unjust, so far as it has had for its object the punishment of atrocious crimes. I rejoice indeed to learn, through "Judex's" late letter in the 'Times,' that the frequency of these has been greatly exaggerated,—that for the most part they recede from the view when inquired for on the spot. Still, whether rare or frequent, it was right that they should be visited with signal chastisement. It was right that the races of the East, morbidly sensitive as respects female honour, should learn that Englishwomen could not be outraged with impunity. I trust that the Mogul princes met with a righteous doom from Hodson's bullets; though I had rather that their royal carcases had dangled from a lawful and timely gibbet, a token to all Asia that before the sternness of English justice the blood of Timour and that of the meanest sweeper are alike. Nay, although it is no longer time to take such measures, I could have seen without reluctance a complete destruction effected of every palace or building which has witnessed a proved act of dishonour or torture towards a woman or a child; the site either to be left as a desolation and a hissing for ever, or, better still, to see rise upon it some last-

ing monument of Christian worship or Christian charity. For, strange as it may seem, I believe that no lessons are more easily forgotten than those which are written in blood. There are certain acts of solemn destruction which are far more fitting exponents of a nation's wrath. The Roman Republic of 1848 might have lived longer, had it not left stone upon stone of the palace of the Inquisition.

Again: I say not that the warfare of the past year has been unjust, so far as it has had for its object the quelling of military revolt. I have expressed elsewhere my feelings as to what has led to the mutinies. I may believe more and more that a panic terror has been at the bottom of many of them, which a little more wisdom, a little more fellow-feeling would have allayed. Even were I to attribute the rebellion, as some do, exclusively to the "petting" of the Bengal Sepoy, I might yet say that the proper treatment of a spoilt child is not to flog him to death, nor the proper treatment of a petted army to exterminate it; and I may therefore hail with joy Sir Henry Rawlinson's suggested amnesty, to accompany the proclamation of the Queen's Government. Still, military discipline is a sacred thing. Mutiny *must* be quelled—with temperate sternness if possible—yet somehow. I would not inquire too curiously into the conduct of those who have successfully put it down, provided that in doing so they have not lowered themselves to atrocities similar to those which they claimed to punish.

Once more: I say not that the last year's warfare is unjust, so far as it has had for its object the subduing of our own revolted territories. I believe that, by whatever means assumed, the burden of an Indian empire lies upon us; that the English nation is the trustee of India for God and man; that with us it rests, and with no other race, to teach the Indian peoples "how to live;" that, were we to shrink from the task, there is at present no other power in India or out of India capable of fulfilling it. I say this, not forgetting, on the one hand, our own grievous shortcomings, sins, crimes; not forgetting, on the other, the many noble qualities of the Indian races, the judgment, abilities, loyalty shown on the

present occasion by several of the native princes, and which surely claim at our hands a wider and freer field for their exercise. But having said so, I can look back with pride upon the English glories of the present struggle. John Lawrence's untiring energy,—Archdale Wilson's dogged perseverance, knowing when to strike, because it has known how long to wait,—Havelock's brief career of desperate triumph, —the dauntless Agra sallies,—the unflinching constancy of Lucknow, — Outram's self-forgetful gallantry, — Greathed's swoop of victory,* or Grant's,—last, but far from least, Colin Campbell's consummate generalship,—all these are precious to me, less even in themselves, less as the qualities or achievements of individuals, than as the component elements of a national work, the bright tokens of a strengthened sense of national unity, full of hope for the future. Each man has done his duty, not because it was his alone, but because it was part of a common task. Each man has helped to bear another's burden, by nobly bearing his own. The British Empire in Northern India had to be maintained, had to be restored. Against all odds it has been maintained, it has been restored. What remains of disturbance in our older territories can, probably without much difficulty, be put down. Let it be so by all means. Give the glorious veteran now in command every means for doing so. Every English man, woman, and child should know by this time that what he does is well done.

But precisely because I deem it was right to quell the Sepoy mutinies, needful to maintain the British empire in India,—precisely on that account I claim that we should not pass the Rubicon between right and wrong, by carrying on an Oude war, when our Indian empire seems all but restored.

For what we are fighting in Oude is no longer a Sepoy mutiny, but the insurrection of a people under its hereditary chiefs; not a Mussulman conspiracy, but a "Hindoo confederacy." As was excellently pointed out in a letter published in the 'Daily News,' under the signature of "Anglo-Indian,"

* Disfigured however, it is rumoured, by excesses on the part of his troops, which have alienated the peasantry in places where they were yet faithful.

by an officer of great experience among the Rajpoot tribes,* Oude, although latterly a Mussulman sovereignty, is originally "one of the oldest of Hindoo kingdoms, and its ancient history is prominent in Hindoo legends as well as its traditions." The Rajpoots of Oude, although looked down upon by those of Rajpootana, who will not intermarry with them,—probably as having bowed to the Mussulman yoke,—are men proud of their antique lineage. They have preserved in great measure that system of feudal clanship, described in Colonel Tod's work on Rajasthan, which, where it exists, is a social element of scarcely inferior importance to the Hindoo village municipalities themselves. Under the name of Talookdars, exercising independent jurisdiction, responsible to Government for the revenues of whole districts, the heads of clans have retained their position as great feudatories of the Mussulman sovereigns of Oude. Some of them at least, "perhaps many," as "Anglo-Indian" says, "are descendants of the Rajpoot families settled there and enjoying power from time immemorial."

It is these talookdars and their peasantry whom we are now fighting. As was shown by the Calcutta correspondent of the 'Daily News,'† the rising of the chiefs was a thing quite apart from the mutiny, and actually subsequent in date to our chief successes over the mutineers. After Havelock's entry into Lucknow, says the writer, "*almost all of the Sepoys*, utterly disheartened by their defeat, *dispersed in all directions; but simultaneously with their departure, the talookdars*, or holders of fiefs and lands, *rose as one man against our force.*" So wrote a "Civilian" to the 'Times' from Allahabad on November 1:‡—"Till Havelock's final retreat from his last unsuccessful attempt to relieve Lucknow, they" (the talookdars) "seem to have tried to temporize; but when Havelock recrossed the Ganges to Cawnpore, and it appeared that we had decidedly failed, the talookdars declared against us without reserve."

Of the talookdars in general the same correspondent says, that at first they "behaved to us well personally. They are men of honour in their way; with the butchery of a rabble they have no sympathy; to protect all who seek their protec-

* Dec. 25, 1857. † Dec. 1, 1857. ‡ Dec. 15, 1857.

tion is with them a point of honour.* By none have so many European lives been saved as by these men." Chief among them, the writer says again, is Man Singh, *"and it is in reality a Hindoo confederacy."*

What is said of the talookdars in general applies especially to Man Singh, "one of the largest property-holders in Oude," who (as the 'Daily News' correspondent says) "both by the late King and by our Government has been deprived of a considerable portion of his estates. Throughout this struggle he had, up to a very recent moment, remained neutral; he had saved the lives of several of our ladies and countrymen; and he had caused to be intimated to our Government that *on receiving a promise of being re-invested with his forfeited estates, he would exchange his neutrality for armed co-operation.* Our Government was pressed to accede to this offer by some of our ablest public servants; but they did not at all like the proposal, and temporized. General Havelock's early repulses, and the distressing accounts which came in from Lucknow, caused them to reconsider the proposal. . . . Before, however, their consent could be conveyed to Man Singh, that powerful vassal, despairing of ever obtaining it, had cast in his lot with the rebels." Of Man Singh the "Civilian" further states that *he "does not like the Sepoys;"* that he is besieging Lucknow "on his own account with 20,000 followers, in fact with all the warlike clans of Oude at his back;" concluding with the significant words—*"at present we have certainly no friends in Oude."*

Let us therefore not be led away into charging these Oude landholders and villagers with the massacres of Cawnpore—a city, be it remembered, within our own territories. Nana Sahib, the Mahratta, whose ability and determination seem unquestionable, may have served for a time as a leader to the revolted Sepoys. But his attempt to proclaim the Mogul supremacy seems to have fallen very flat from the first. Delhi

* I am told that "there is a beautiful rifle with a brace of pistols now being manufactured at Birmingham, as a present from a party of English to a Zemindar of Oude, by whom they had been generously protected when flying from our Sepoys."

has succumbed, and Oude is still in arms, and in proportion as the struggle there became more national, the wily Mahratta Brahmin will have been less and less fitted to head the proud Rajpoot clans, whose contempt for low-caste Mahrattas is well known. Where is he even? No one seems to know for certain. The rumour has long been afloat that he is the prisoner of some landholder, who retains him as a hostage for his own safety.

If, therefore, we mean really to carry on this Oude war, let us not attempt to do so under the old war cries. No more shouts of "Death to perfidious mutineers!" when we have to deal with landholders and peasants. No more shouts of "Vengeance for our women and children!" when we are fighting those who did not take up arms against us till they had seen our women and children in safety. Let the Oude war stand on its own ground, if it have one to stand on. But now that Lucknow is relieved,—now that the cry of "Save us! we perish," comes no more from Inglis's heroic band, bidding all other voices be dumb, shall we not inquire whether there be any such ground? whether we are not blindly enforcing that which may have been a blunder on the part of others, but will be a falsehood and a wrong on our own? Shall we not pause to consider whether Lord Dalhousie's annexation of Oude, and the mode in which it was carried out, did not afford our present foes just cause for rising against us, do not afford us just reason for coming to terms with them.

II. The Annexation: Internal Misrule the Sole Plea for it.

Before proceeding to consider the annexation of Oude in itself, I wish distinctly to state that I shall not do so with a view to the claims of the late ruler of that country. However hardly I may deem him to have been dealt with, he is not the foe whom we have to encounter. Even Nana Sahib only raised the standard of revolt in the name of the Emperor of Delhi, and not in that of the King of Oude. In the name of neither is the war now carried on; so far as I am

aware. The present insurrection of the Oude people on their own behalf has blown to the winds whatever treaties may have bound us to their late sovereigns, so far as territorial relations are concerned. It is with reference to the Oude people that I wish to view the annexation; and my starting-point will therefore be wholly different from that of the able author of " Dacoitee in Excelsis." But that starting-point is one afforded to me by the annexation itself.

Two years only have elapsed since the kingdom of Oude, numbering five millions of inhabitants, was annexed to British India.

The grounds of this measure are set forth in a Proclamation, forwarded by the Governor-General in Council to the Court of Directors, as intended to be issued in case the then sovereig of Oude should refuse (as he did) to sign a certain treaty pared for his acceptance. Here they are:*

" By a treaty concluded in the year 1801, the Honourable East India Company engaged to protect the Sovereign of Oude against every foreign and domestic enemy, while the Sovereign of Oude, upon his part, bound himself to establish ' such a system of administration, to be carried into effect by his own officers, as should be conducive to the prosperity of his subjects, and calculated to secure the lives and property of the inhabitants.'

" The obligations which the Treaty imposed upon the Honourable East India Company have been observed by it, for more than half a century, faithfully, constantly, and completely.

" In all that time, though the British Government has itself been engaged in frequent wars, no foreign foe has ever set his foot on the soil of Oude; no rebellion has ever threatened the stability of its throne; British troops have been stationed in close proximity to the king's person, and their aid has never been withheld, whenever his power was wrongfully defied.

" On the other hand, one chief and vital stipulation of the treaty has been wholly disregarded by every successive ruler of Oude, and the pledge which was given for the establishment of such a system of administration as should secure the lives and property of the people of Oude, and be conducive to their prosperity, has, from first to last, been deliberately and systematically violated.

* Oude: Papers relating to, presented to both Houses of Parliament by command of Her Majesty, 1856, p. 255.—I shall hereafter refer to this as the "Oude Blue-book."

"By reason of this violation of the compact made, the British Government might long since have justly declared the treaty void, and might have withdrawn its protection from the rulers of Oude. But it has hitherto been reluctant to have recourse to measures which would be fatal to the power and authority of a Royal race who, whatever their faults towards their own subjects, have ever been faithful and true to their friendship to the English nation.

"Nevertheless the British Government has not failed to labour, during all that time, earnestly and perseveringly, for the deliverance of the people of Oude from the grievous oppression and misrule under which they have suffered. . . . The friendly intentions of the British Government have been wholly defeated by the obstinacy, or incapacity, or apathy, of the Viziers and Kings of Oude. . . . The people of Oude are still the victims of incompetency, corruption, and tyranny, without remedy, or hope of relief.

"It is notorious throughout the land that the King, like most of his predecessors, takes no real share in the direction of public affairs.

"The powers of Government, throughout his dominions, are, for the most part, abandoned to worthless favourites of the Court, or to violent and corrupt men, unfit for their duties, and unworthy of trust.

"The collectors of the revenue hold sway over their districts with uncontrolled authority. . . .

"The King's troops, with rare exceptions, undisciplined and disorganized . . . have become a lasting scourge to the country they are employed to protect.

"Gangs of freebooters infest the districts; law and justice are unknown, armed violence and bloodshed are daily events; and life and property are nowhere secure for an hour. . . .

"Fifty years of sad experience have proved that the Treaty of 1801 has wholly failed to secure the happiness and prosperity of Oude, and have conclusively shown that no effectual security can be had for the release of the people of that country from the grievous oppression they have long endured, unless the exclusive administration of the territories of Oude shall be permanently transferred to the British Government.

"To that end, it has been declared, by the special authority and consent of the Honourable the Court of Directors, that the Treaty of 1801, disregarded and violated by each succeeding Sovereign of Oude, is henceforth wholly null and void. . . .

"Inasmuch, then, as his Majesty Wajid Alee Shah, in common with all his predecessors, has refused, or evaded, or neglected, to fulfil the obligations of the Treaty of 1801, whereby he was bound to establish within his dominions such a system of administration as should be conducive to the prosperity and happiness of his subjects; and inasmuch as the treaty he thereby violated has been declared to be null and void; and inasmuch as his Majesty has refused to enter into other agreements

which were offered to him in lieu of such treaty; and inasmuch as the terms of that treaty, if it had been still in force, forbade the employment of British officers in Oude, without which no efficient system of administration could be established there, it is manifest to all that the British Government had but one alternative before it.

"Either it must altogether desert the people of Oude, and deliver them up helpless to oppression and tyranny, which, acting under the restrictions of treaty, it has already too long appeared to countenance, or it must put forth its own great power on behalf of a people for whose happiness it, more than fifty years ago, engaged to interpose, and must at once assume to itself the exclusive and permanent administration of the territories of Oude.

"The British Government has had no hesitation in choosing the latter alternative.

"Wherefore, proclamation is made that the government of the territories of Oude is henceforth vested, exclusively and for ever, in the Honourable East India Company." . . .

What then does this Proclamation amount to?

That the Oude State has ever been faithful and true to its "friendship with the British nation."

That its sole crime has been internal misgovernment.

That the British Government is compelled, for the sake of its oppressed and helpless people, to take the exclusive administration of the country into its own hands.

It would seem then, on the highest authority, that in India kings may be lawfully dethroned for misgovernment only; . . . that such misgovernment may be only negative, caused "by obstinacy, incapacity, or apathy;" . . . that it may lawfully form part of the royal bill of attainder that the King, "like most of his predecessors, takes no real share in the direction of public affairs." . . . Perilous doctrine, don't you think, Mr. Smith?—Very, Mr. Jones, for you or me to be spouting. . . . But Lord Dalhousie was a very great governor; Mr. J. Dorin is a very great financier; Mr. Barnes Peacock is a very great lawyer. . . . Of course they know best.

Let that pass. But again, is it so certain that a treaty by a ruler with third parties stipulating for the better government of his own country, gives those third parties a right to take possession of the country on non-observance of that stipulation? Mr. Barnes Peacock argues from Vattel, that "a breach

of contract or treaty is an injury which confers upon the *injured nation a right to resort to force, for the purpose of obtaining her rights;" and that " when a nation is compelled* to resort to force for the recovery of her rights, she is entitled to security against future wrongs;"* but does he really touch the question at issue? If Mr. Doeskin enters into partnership with my young friend Cord, giving me a bond for the due fulfilment of his partnership obligations to the young man, shall I be justified, legally, on forfeiture of that bond, in claiming possession of Doeskin's whole share in the plant, stock, and goodwill, with the right of dictating to Cord the terms of a new partnership? will not Cord at least have some voice in the matter? Or if the relation of partner and partner seem too close for that between an Eastern despot and his subjects,—will it mend matters if you suppose Cord to be only a servant, and Doeskin to carry on the business in his sole name? Will not my claim to take it from him become only the more monstrous, the more unheard of? Will Cord's services be in any wise transferred to me by the forfeiture? But perhaps it may be said that Oude was only a vassal sovereignty. Mr. J. P. Grant was bold enough to argue that it was only a British province. Mr. Peacock recoils from urging such an argument. Yet, strain the analogy to the utmost; suppose Doeskin to be actually my tenant, and the stipulations in Cord's favour to be covenants in his lease. When did the law of England ever favour a forfeiture? When did it ever turn a mere covenant into a condition of holding *ut res pereat?* If the Oude territory were to have been made annexable on breach of the treaty stipulations in favour of its people, should there not have been the most express declaration to that effect? Before the case provided could be held to have arisen, should there not have been the clearest evidence that the people, the party to be benefited, had been consulted in the matter? Would Mr. Peacock, arguing *in banco,* have ventured to justify the occupation of an English pigstye on grounds similar to those by which he condescended to colour the seizure of a kingdom?

But Oude was annexed, 7th February, 1856. Mr. Peacock's

* Oude Blue-book, p. 230.

reasonings on the hypothesis of our being "compelled to resort to force," took no effect. The prince whom we were deposing offered no resistance. He refused, indeed, to sign any new treaty. "Treaties," he exclaimed, "in a passionate burst of grief,"—as General Outram describes it,—"are necessary between equals only: who am I now, that the British Government should enter into treaties with?"* "But a proclamation was issued by him to his officers and subjects,† apprising them that, according to the orders of the British Government, the servants of that Government had been appointed for the administration of the kingdom of Oude, and would assume the government;" that therefore they were to "take heed to obey all orders which might be issued, and to pay the revenue to them, and to become faithful subjects to them;" "on no account to resort to resistance or rebellion. The army ought on no pretence to revolt or mutiny, because the servants of the British Government had the power to punish." Certainly, a most accommodating tyrant; but let that also pass.

In a famous minute of Lord Dalhousie's, of the 28th February, 1856, reviewing his administration in India,‡ he wrote as follows:—

> "The government of the province was assumed on the 7th of this month. Up to the present time no resistance has been attempted, no disturbance of the public peace has occurred. The troops of the King are contentedly taking service in our pay; and thus far, at least, no zemindar or chief has refused submission to our authority."

On the 10th December, 1856, the Court of Directors wrote in turn:—

> "An expanse of territory embracing an area of nearly 25,000 square miles, and containing 5,000,000 inhabitants, has passed from its native prince to the Queen of England, without the expenditure of a drop of blood, and almost without a murmur.
>
> "The peaceable manner in which this great change has been accomplished, and the tranquillity which has since prevailed in all parts of the country, are circumstances which could not fail to excite in us the liveliest emotions of thankfulness and pleasure. . . .

* Oude Blue-book, p. 288. † Ibid. p. 290.

‡ Ordered by the House of Commons to be printed, 30th May 1856.

"*From the conduct of the King, and the claims of the family, we* turn to the behaviour of the chiefs, and the great body of the people, whose ready acquiescence in the great change to which they have been subjected we have noticed with extreme satisfaction." . . .

Already, in the perusal of these Io Pæans, one cannot help feeling a curious sort of sensation, as if the ground we stood on had shifted unperceived. As towards the Sovereign of Oude, we heard only of a helpless people, who had to be released from grievous oppression. As towards England, we find boasts of the extent of territory added to the Queen's sway, self-congratulation that there has been no resistance. . . . Was then deliverance profitable to the deliverer? Did he expect to be scarcely welcome to the delivered? . . . But let that pass also.

Up to the end of 1856, then, we may suppose that it was possible for honest men to believe that the misgovernment of Oude had justified annexation; that, by assuming the government of the country, we had relieved that people from an intolerable burden.

But how stands the case in February 1858?

A military mutiny has broken out, which has, with the exception of a few fragments, swept away the whole of the Company's Bengal native army. That army, it is admitted, has been, as well as many of the "contingents" of native princes, recruited from Oude. But, although the revolted troops have been worsted in almost every engagement, mostly bayoneted on the spot, seldom rescued from immediate slaughter but to be hung or blown from guns,—after seven or eight months of rebellion, Oude is still a foreign country; and the greatest achievements of the war have been the relief twice effected of a beleaguered English garrison from its capital, Lucknow, and the final successful "retirement" of our greatest commander, with his priceless spoil of English lives. Though the last advices are more favourable, in the whole territory we seem to hold one post only, that of the Alumbagh, where Outram remains always victorious, beleaguered always. The last accounts show us Sir Colin Campbell, after strengthening "the frontier," defeating Ro-

hilcund rebels, and driving them into Oude. Indian papers have even speculated on the twelvemonth passing away before Oude can be reconquered.

Reconquered! Who could have believed his ears if such a word had been uttered in February 1856? Reconquered!—with the deposed Sovereign in our safe custody in India, his family in Europe, his mother dead at Paris. Reconquered! that oppressed people to be reconquered from themselves! Reconquered by British arms! that helpless people who were too weak to get rid of their own tyrants, since we were forced to take their cause into our own hands! Reconquered! do we really mean it?

Surely the complete revolt, in less than eighteen months, of a country annexed on the ground of intolerable misgovernment, proves one of two things,—if not both:—

Either the misgovernment alleged must have been exaggerated,—or

It was succeeded by a state of things more intolerable than itself.

Let us then look back upon the Oude Blue-book in the flashing light of the present insurrection. Who knows but what the shadows may fall somewhat differently from what they did? Who knows but what the searching glare may bring out into shape many details which escaped our eyes in the soft half-lights of official prosperity?

III. The Misgovernment Plea Considered.

Thus viewed then, it seems to me that the Oude Blue-book can present itself in no other aspect, to a lawyer at least, than as a "brief for the prosecution." Guilt is implied all through. Colonel Outram on taking office is instructed "to apply himself, on his arrival at Lucknow, to an inquiry into the present state of that country, with a view to determine whether . . . the duty imposed upon the British Government . . . will in truth any longer admit of our honestly indulging the reluctance we have felt to have recourse to those extreme measures which alone can be of any real efficacy in remedying

the evils from which the State of Oude has suffered so long;" Mr. Dorin observing, "It seems to me quite impossible that things can be allowed to go on as we SUPPOSE them to be at present."* This was in November 1854; in March 1855, General Outram reports that he has applied himself, since his arrival at Lucknow on the 5th December, to "an inquiry into the present state of Oude." With this object he has availed himself of a special opportunity "to submit a series of questions to the magistrates of the neighbouring British districts, which, *though apparently intended merely to obtain information bearing on the matter under discussion (for to have put more direct queries might have raised embarrassing conjectures as to their object)*, were also calculated to elicit the opinions of those gentlemen as to the extent of misrule and anarchy prevailing within the Oude territory during the last few years."† The memorandum so referred to (issued eight days after his arrival in Lucknow) starts from "the unsatisfactory arrangements which at present exist relative to the co-operation afforded by the frontier police to the police authorities of the British Government, in the districts contiguous to the kingdom of Oude."‡ General Outram reports; and on the report the Governor-General concludes "that while the King should be permitted to retain his Royal title and rank, he should be required to vest the whole civil and military administration of Oude in the hands of the Company, and that its power should be 'perpetual in duration, as well as ample in extent.'"§

Now, however frightful may or may not be the picture presented by the inquiry, it is thus obviously one which did not spontaneously offer itself to, did not force itself upon the eyes of, the Indian Government. The "oppressed" and "helpless" people of Oude are not shown anywhere to have cried to it for relief. We hear of no anxious deputations to Resident or Governor-General entreating deliverance from their

* November 21, 1854; Blue-book, pp. 1, 3, 5.

† March 15, 1855; Blue-book, p. 12.

‡ December 13, 1854; Blue-book, p. 47.

§ June 18, 1855; Blue-book, p. 187.

tyrants. From the first page of the Blue-book to the last I have failed to discover the *slightest trace* of any manifestations of feeling on the part, either of the people of Oude at large, or of any single subject of the Oude State, in favour of annexation, or that it ever struck any British authority that the "oppressed" and "helpless" people had any right to speak on their own behalf in the matter. We may find representations urged through the British Resident by stipendiaries or others claiming British protection, whose pensions are in arrear, or who may have grievances to urge; but nothing more. What should we say of the French Emperor, were he to annex Belgium by reason of the crimes and outrages there perpetrated, on the faith of reports by the French Minister and the neighbouring French *préfets*, without adducing a single Belgian opinion in favour of the step, and without even alleging anything about Belgian feeling in his proclamation?

But if we look a little deeper, we shall find that the "case for the prosecution," as I must call it, actually breaks down on one or two points. Lord Dalhousie's proclamation, it will be observed, tenderly pre-occupied with the sufferings of the voiceless millions of Oude, does not even allege, what might have been expected, that a country given up to such oppression was a nuisance to its neighbours. It says nothing itself about insecurity in the British territories by reason of Oude misrule. Yet General Outram's memorandum to the British magistrates had expressly sought to elicit evidence on this point. They were requested to inform him whether "the crimes of murder, arson, cattle-lifting, and dacoitee, had during the last few years (six or seven) been gradually on the decrease, or otherwise; and whether, if on the decrease, they attributed this to the efficiency of the Oude local authorities on the borders, or to the decrease of the population, consequent on the continued insecurity of life and property."*
But the answers were so various, that they evidently could not be relied on as conclusive. The magistrate of Futtehpore declared "the increase or decrease of crime" in his district, as connected with the Oude territory, "a point not easy to be

* Blue-book, p. 47.

ascertained." But he pointed out "how the neighbourhood of an independent, and *reputed* to be lawless state," affected his district. Of the several dacoitees that had been committed within his own district, all with the exception of one had been perpetrated on houses or residents within a stone's throw from the Ganges, by parties from Oude, who crossed over the river, did their work, and escaped back again. This was good evidence for the prosecution; although the magistrate's conclusion is, apparently, to establish a frontier police on *our own* border.—The magistrate of Jaunpore, on the other hand, reports that "dacoitee has certainly decreased within the last few years;" that "murder has also decreased;" that "cattle-lifting is common" in three of the frontier jurisdictions, but that from only one of them almost all the stolen cattle go into the Oude territory; from the other two, "as many" are carried "into the Azimghur district as into Oude,"—*i. e.* into British territory as into the "reputed" lawless kingdom! He was bound to speak well of the (Oude) Nazim of Sultanpore, who had always been "ready to do what he asked, and had never shown any disposition to screen or encourage offenders."—The Goruckpore magistrate also reported a decrease of crime on the border; he was not aware that the border population was diminishing, and felt "induced to attribute this satisfactory state of things to the co-operation of the Oude police force." The (British) police officers on the borders, on being inquired of, professed "entire ignorance" as to "the localities in Oude, in which dacoits and other criminals took refuge." He was "not surprised at this," he says, "because the Oude people do not trouble the peace of this district." A decidedly bad witness for the prosecution.—The Furruckabad magistrate is a somewhat better one. "Oude," he says, "no doubt affords facilities for the escape of persons who have committed crime in this district, and the concealment of stolen property; but I have always received the most cordial co-operation from Captain Hearsey [Oude police], whenever offenders were to be apprehended, or stolen property traced out."—The Cawnpore magistrate goes more into detail, specifying certain cases in which

persons guilty of crimes were inhabitants, or "said to be" inhabitants of Oude, or had absconded thither. But in many of the cases one or more of the culprits seem to have been arrested in Oude; in some, information is given from Oude as to the crime. So far from the mischief being progressive, "the most striking feature" in the table given "is the permanent character of crimes; they neither increase nor decrease materially. In the dacoitees in 1854, parties resident in Oude were not implicated. The dacoits who have infested this and other districts, *come from Gwalior and the south-west.*" But the magistrate believes the "permanency" of crime to be its worst feature, and traces it to—"1. The facility for escape offered by foreign territory and the river Ganges. 2. The difficulty of tracing or recognizing criminals who reside in Oude. 3. The lawlessness and insecurity of life and property there. . . . 4. The temptation held out, by extortion, to the landlords to share in the plunder obtained from our districts."

Now, had any one of the magistrates addressed reported that frontier crimes were committed from Oude, who could have been surprised? Does it not *invariably* happen, at the line of demarcation between two jurisdictions, that offences are committed from the one within the other? Do not City thieves in Fleet Street make forays westward, and metropolitan thieves in the Strand, eastward, through Temple Bar? Do they not, after their forays, retire within their respective domains? Are there two adjacent counties in England, two adjacent countries in the world, between which the same process is not perpetually going on more or less? Is it not always sure to be exaggerated,—each local authority being only too happy to throw the blame on its neighbour?—and even where the mischief grows more to a head in one jurisdiction than another, so long as the evidence is all on one side, who can tell whether it proceeds rather from the lawlessness of the offending, or from that of the offended side?—Yet in this case, not one of the five reporting magistrates can declare that crime is on the increase on the British border. One can say nothing on the point; another does say nothing; one states it to be "permanent;" the two

others say that it is decreasing. One knows little or nothing of the Oude frontier police; *another cannot say whether the* efficiency of the Oude local authorities has increased of late, but from one particular native officer has always experienced "great willingness" to assist him. Two speak highly of the co-operation of the Oude frontier police; the last does not think the Oude local authorities "do their utmost."

The attempt, then, to prove that Oude oppressions were growing more and more dangerous to British security broke down utterly. And now the impertinent question suggests itself,—Could the Oude local authorities have set up any similar case as to crime on the Oude border arising from the vicinity of British territory? One of the magistrates addressed (he of Jaunpore) is honest and clumsy enough to give some clue even as to this. His friendly co-operator, the Nazim of Sultanpore, has "complained bitterly" to him "of the conduct of certain of the Oude talookdars, who, he said, have purchased a small estate or two in this district, and, on the strength of this fact, claim the character of British subjects. These men, he said, often commit excesses within the Oude territory, set the local authorities at defiance, and retreat into this district." * Again, Captain Bunbury, in command of one of the Oude regiments, complains of the native officers of the British district of Azimghur, as continuing to harbour a particular criminal.† And, on the whole, General Outram admits there is "no doubt" that "the British districts bordering on Oude have in reality derived great benefit of late years from the Oude frontier police."‡ So General Low, a former Resident at Lucknow, in a minute of Aug. 15, 1855, "can also state it to be a fact that in all those measures depending upon a native prince which relate *exclusively* to the interest of a paramount State, such as searching for and giving up criminals who have escaped into Oude from our provinces, supplying our troops when marching through Oude, protecting our Dâks, etc. etc., the Government of Oude has always been, and is up to this day, unusually attentive and efficient. . . . The Kings

* See, as to the above facts, Oude Blue-book, pp. 47–57.
† Ibid. p. 59. ‡ Ibid. p. 46.

of Oude have co-operated most actively and efficiently with us in capturing Thugs and dacoits; and in regard to the settlement of petty frontier disputes about lands . . . the Oude Durbar acted during my incumbency at Lucknow (and I conclude it is the same to this day) *with a degree of alacrity and a leaning to our wishes*, such as I never saw before, or since, in any other native State in any other part of India."*

We see, therefore, why Lord Dalhousie's proclamation confined itself to the internal grievances of Oude. An attempt had been made to prove Oude an increasing nuisance to the neighbouring British territories; that attempt had failed. The state of crime on the Oude frontier appeared to be either stationary or on the decrease. There was a frontier police under British management, the efficiency of which was admitted by the British Resident. Such a frontier police seemed to be wanting, and was called for, on our own side. A neighbouring British district was as much a focus of crime as Oude itself. Oude local authorities retorted on ourselves the charge of harbouring crime against them.

But again, if Oude misgovernment had been really intolerable to the Oude people, they must have fled their country. On this point also the proclamation says nothing; on this point also evidence had been sought to be elicited. General Outram's memorandum expressly requested information from the British magistrate whether, if crime were on the decrease, this was to be attributed to "the great inducements which the British territories adjacent afford for the immigration into our districts of the laborious and peaceful inhabitants of this kingdom." It would be as well for them, he said, to ascertain, as correctly as they could, "in what numbers the inhabitants of Oude have availed themselves of the facilities which abound, of entering our territories and settling therein, whether temporarily or permanently."† More "leading" questions could hardly have been devised. I cannot better sum up the answers than in his own words :—

"It may naturally be supposed that *the people of Oude, if so greatly oppressed as has been represented, would emigrate to the neighbouring*

* Oude Blue-book, p. 226. † Oude Blue-book, pp. 47-8.

British districts, which *it does not appear,* from the replies I have yet received from the magistrates whom I questioned on the subject, *that they do to any great extent.* The magistrate of Futtehpore says nothing on this point, while those of Azimgurh, Shahjehanpore, and Allahabad have given no reply at all. The magistrate of Jaunpore is '*not aware* that the population of Oude has decreased of late, or *that there has been any considerable emigration from Oude into British territory.*' The magistrate of Goruckpore says nothing of emigrants, but that there are from ninety to one hundred families who have possessions on both sides of the frontier, who live sometimes in Oude and sometimes in the Goruckpore district, and who are therefore constructively subjects of both Governments. The magistrate of Furruckabad says the emigration from Oude into his district is, he believes, very limited, though in time of difficulty many people from Oude take refuge there for a season. The magistrate of Cawnpore furnishes a list of emigrants from Oude 'during the last six or seven years,' amounting to 2,333, of whom 1,354 are agriculturists, and 1,294 non-agriculturists; and states, 'these people have emigrated with their wives and families, and may be regarded as permanently established. The non-agriculturists perhaps may be looked upon as birds of passage, but still they are not likely to return to Oude.'"*

Now let it be observed, in the first instance, that emigration, even permanent emigration, though it may testify to a state of society in some way or other unhealthy, cannot fairly be treated as direct evidence of misgovernment, by Englishmen at least. For to do so would be to admit that the United Kingdom, being of all European countries the one which sends out most emigrants, is, therefore, the worst governed. That species of emigration which marks misgovernment consists in the sudden rush of whole masses of people, leaving their homes altogether at any cost, such as that of the Mugs of Aracan in the last century, taking refuge in British territory from Burmese oppression; of this we see no trace in this case. In spite of all leading questions, not one of the magistrates referred to can speak to any considerable or increasing emigration. What are the 2,333 emigrants into Cawnpore during six or seven years, compared to the five millions of Oude inhabitants? Louis Napoleon might as easily establish the fact of British misgovernment by the number of English emigrants to Boulogne; and I have no doubt that, during the

* Oude Blue-book, p. 44.

same period, any five or six emigrant-ships will have conveyed away from British India at least an equal number of Coolies, our fellow-subjects, to that of the immigrants from Oude. What seems chiefly to have taken place is what I have elsewhere described in reference to the Nizam's territory,*—an occasional flight into the British territory from temporary exactions, followed by return when opportunity offers. Hence, probably, those "90 to 100 families" spoken of by the magistrate of Goruckpore, "who have possessions on both sides of the frontier, who live sometimes in Oude, and sometimes in this district." Hence the statement by the magistrate of Furruckabad, that, "in time of difficulty, many people from Oude take refuge here for a season."

Incredible then as it may seem, these "oppressed" and "helpless" people of Oude, notwithstanding what General Outram calls "the facilities which abound of entering our territories, and settling therein," were stupid enough by no means to appreciate the advantage of living under the blessings of British rule, much as they may have appreciated those of British protection in their own country. Lord Dalhousie, in his Minute of June 18th, 1855, reviewing the condition of Oude, fully admits the fact, with General Outram.—

"It is remarkable that, *under the pressure of so many and such various ills, the people of Oude should have so little recourse to emigration* as a means of escape from the sufferings they undergo. The fact is thus explained by the officiating Resident.

"'The condition of Oude cannot be fairly tested by the extent of emigration; for, as stated by Major Troup, although shamefully oppressed, they are much attached to their country. And it happens that the middling and agricultural classes especially, who otherwise might be driven to emigrate, obtain indirectly the protection of the British Government, to such an extent as preserves them from the necessity of having recourse to the extreme measure of abandoning their birthright, in the privilege which their relatives in the Company's service enjoy, of petitioning through the Resident, who has thus the means of inquiring into grievances, and demanding redress in their behalf. To acquire this privilege, any agricultural family in Oude, perhaps without exception, besides many of other occupations, sends one of its members into the British Army, and thus secures, through him, the right of

* British India, its Races and its History, vol. i. p. 217.

claiming the Resident's interference. The number of Oude Sepoys in our service, consequently, who enjoy this privilege, is estimated by Colonel Sleeman at 40,000; and the relatives they represent may probably amount to ten times that number, or nearly one-tenth of the entire population of Oude.' "*

—A most valuable and pregnant statement, as showing how the mutiny of the Bengal army might flow from Oude annexation, and the present war in Oude from the mutiny in turn. But what does it amount to?

About one-tenth of the population of Oude, through its connection with soldiers in British pay, enjoyed such immunity from the effects of Oude misgovernment, that it was not worth its while to emigrate. Then what becomes of the complaint in the proclamation, that "disinterested counsel and indignant censure, alternating, through more than fifty years, with repeated warning, remonstrance, and threats, have all proved *ineffectual and vain*"? Is not this blowing hot and cold with the same breath? You stumble upon a fact the very reverse of what you sought to elicit, which you can only account for, by your own admission, on the supposition of British interference in Oude being effectual for its purpose. You ignore the fact, and then proclaim that your interference has been "ineffectual and vain"!

But if the non-emigration of the one-tenth of this "oppressed" and "helpless" people is explained by their enjoyment of special British protection, what of the other nine-tenths who did not enjoy it?† How came they not to flock out in troops to embrace the blessings of English rule? Why from 400,000 to 500,000 souls should remain in the country, you may have shown to your own satisfaction; that the other four and a half millions should do so,—except as to such of them as might form the oppressor class,—remains, on your own showing, quite unaccountable.‡

* Oude Blue-book, p. 179.

† See this point well put in 'Dacoitee in Excelsis,' p. 186.

‡ We saw that in trying to prove Oude a nuisance to British India, one fact at least had come out, tending to show that British India was a nuisance to Oude. The question in like manner suggests itself, whether there may not have been emigration *from* British territory into Oude, as well as from Oude

I do not, indeed, for a moment deny the reality of Oude misgovernment. I need no Resident's diary, officially printed, some of the entries in which resemble rather the notes of a detective privately employed to get up evidence in *crim. con.*, or the affidavits in Dyce Sombre's case, than an English state paper,—no "Revelations from Oude," compiled from Sir W. Sleeman's papers,—to convince me of the fact. Although Sir William Sleeman expressly says, "True it is that a large portion of the casualties in Oude are to be attributed to faction fights and collisions between the officers employed in the collection of the revenue, and the landholders who pay it,"*—so that the offences spoken of are not altogether of the heinous character which they might bear in a better-ruled country,—still 1,391 persons killed and wounded, 148 villages plundered and burnt, 159 persons carried off in 1854—and these recorded crimes supposed to be only a portion of those committed,—represent a state of things decidedly opposed to my ideas of what human beings are entitled to in

into British territory. It never seems to have struck the British authorities that this might be worth inquiring into, nor does anything appear on this head. As I wish to confine myself as much as possible to Blue-book authority, I will simply mention that for many years I have heard it stated that there was such a counter-current of emigration, and that it was stronger, if anything, than the other. And it is certain that emigration or voluntary exile, through the pressure of the Indian land-tax, has been by no means unknown in our own provinces. See the admirable letters of "Indophilus" to the 'Bengal Hurkaru' in 1833, reproduced in the 'Mirror of the Indian Press' for that year.

* Oude Blue-book, p. 37.—The following passage from Shore's 'Notes on Indian Affairs,' vol i. p. 155, explains, according to him, the nature of "very many" of the Oude insurrections:—

"I was once passing a village in Oude, and, observing a considerable stir among the people with whom I was acquainted, who were busily employed in repairing the small adjoining fort, asked the reason. 'We expect the Amil (governor of the province) in a few days to collect the revenue,' was the reply. 'And do you intend to resist?'—'Certainly.' After a little further conversation, one of them, smiling, said, 'There will be no great harm done: the Amil will demand 10,000 rupees—we shall offer 1,000. He will call out his troops, who will fire at us from a respectable distance, which we shall return. After a day or two thus spent, without perhaps a man being injured, we shall come to an understanding, present the usual offering and about 3,000 rupees, which is the proper rent of the village; and we shall part very good friends.' And so it happened."

the way of government. Still less am I surprised that a man like Sir William Sleeman, the most energetic of murderer- and robber-catchers, should have been most desirous of putting an end to that state of things anyhow. But when I look, on the other hand, to the facts evidently implied in or asserted by the Blue-book, that the people amongst whom these things occurred, not only did not openly seek that British rule should be extended over their country, but actually did not leave it, to any perceptible extent, for our own territories, the feeling which I am led to is rather one of wondering shame. What can be the nature of British rule in India, I ask myself, when the men of Oude did not cry for it as a deliverance from evils like these? What can it be, when they have risen in arms against it? Surely, if their present insurrection proves nothing more, it proves how dangerous it is to square the idea of good or bad government to the standard of a single nation; that what would be intolerable in one country may be more than tolerable in another; that the shoe pinches different feet in different places, and that a wild warlike race may honestly prefer the chances of open violence to the slow grinding of taxation,—a tumultuous freedom to a quiet servitude.*

IV. The Suppressed Treaty.

And now one last thing remains to be told, before I quit the subject of the annexation itself.

I have treated the question on the footing which the proclamation of Lord Dalhousie afforded me,—that of the interests of the people of Oude themselves. I have been glad to do so. I cannot pretend to much respect for the royal race of Oude. Usurping ministers originally, none of them, except Ghazee-ood-Deen Hyder, appears to have deserved the

* There is, indeed, another side to the question, on which, in order, as I said before, to confine myself, on this head, to Blue-book evidence, I shall not here dwell. For indeed, in reading Lord Dalhousie's charges against the Oude Government, I have almost to rub my eyes to make sure that I have not before me some Indigo-planters' or Missionaries' memorial on the condition of our own territories. Take, for instance, one paragraph of Lord Dalhousie's pro-

affections of his people. Their good qualities seem to have been chiefly reserved for exercise towards the Power which has annihilated them. "I believe," wrote Sir William Sleeman in 1851, as quoted by General Outram, "no native sovereigns in India have been better disposed towards the British Government than they have been, or have, in time of difficulty, rendered aid, to the extent of their ability, with more cordiality or cheerfulness."* So Lord Dalhousie, in his minute of June 18, 1855, using words which were afterwards partly embodied in his proclamation: "The rulers of Oude, however unfaithful they may have been to the trust confided to them, however gross may have been their neglect, however grievous their misgovernment of the people committed to their charge, have yet ever been faithful and true in their adherence to the British power. No wavering friendship has ever been laid to

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clamation of February 1856, and compare it with the Bengal Missionaries' petition, dated 15th December in the same year.

LORD DALHOUSIE ON THE STATE OF OUDE.	THE MISSIONARIES ON THE STATE OF BENGAL.
"Gangs of freebooters infest the districts."	"The police force are powerless to resist the gangs of organized burglars or dacoits."
"Law and justice are unknown."	"Throughout the length and breadth of the land, the strong prey almost universally upon the weak, and power is but too commonly valued only as it can be turned into money." (Quoted from Lieutenant-Governor Halliday.)
"Armed violence and bloodshed are daily events."	"Gang-robberies of the most daring character are perpetrated annually, in great numbers, with impunity. . . . There are constant scenes of violence in contentions respecting disputed boundaries."
"And life and property are nowhere secure for an hour."	"In many districts of Bengal neither life nor property is secure."

Indeed, it will be found from the figures adduced by the author of 'Dacoitee in Excelsis,' p. 182, that the ratio of crime in Oude, if greater than in our newly annexed territories, appears to be considerably *less* than in our older possessions.

* Oude Blue-book, p. 167.

their charge. They have long acknowledged our power, have submitted, without a murmur, to our supremacy, and have aided us, as best they could, in the hour of our utmost need."* General Low says, "It is not only that the Kings of Oude, have never been hostile to us in their proceedings, and never intrigued against us in any way; they have abstained from any kind of communication with other native potentates, except openly and through the medium of the British Resident; and during our wars against our enemies, they have constantly proved to be really active and most useful allies to us; they have, again and again, forwarded large supplies of grain and cattle, etc., to our armies, with an alacrity that could not be exceeded by our own British chiefs of provinces, etc. etc.;"† and he gives many remarkable instances in support of this statement.
as Sir W. Sleeman said also in the before-quoted paper,
ce the days of Vizier Alee, none of the sovereigns have been, either from disposition or habit, cruel or tyrannical; they have all been gentlemen, humane and generous."‡ But, however this may be, it is undoubtedly disgraceful to a royal race that they should ever have been required, by treaty with another power, to bind themselves to the good government of their country; it is still more disgraceful that they should not have fulfilled the obligation.

But what if they had transferred that obligation, as they thought, legally, to the Power with which it had been contracted?

Incredible as it may seem, this was actually the case.

On the 11th September, 1837, the last British treaty was concluded with the then King of Oude. The seventh article —I quote from a memorandum by Captain F. Hayes, assistant to the Resident, and enclosed in General Outram's report —states:—

"It is hereby provided that the King of Oude will take into his immediate and earnest consideration, in concert with the British Resident, the best means of remedying the existing defects in the police, in the judicial and revenue administration of his dominions; and that, if his Majesty should neglect to attend to the advice and counsel of the

* Oude Blue-book, p. 84. † Ibid. p. 225. ‡ Ibid. p. 167.

British Government, or its local representative, and if (which God forbid) gross and systematic oppression, anarchy, and misrule should hereafter at any time prevail within the Oude dominions, such as seriously to endanger the public tranquillity, *the British Government reserves to itself the right of appointing its own officers to the management of whatever portions of the Oude territory, either to a small or great extent,* in which such misrule as that above alluded to may have occurred, for so long a period as it may deem necessary; the surplus receipts in such case, after defraying all charges, to be paid into the King's Treasury, and a true and faithful account rendered to his Majesty of the receipts and expenditure of the territories so assumed."*

On which Captain Hayes proceeds to observe,—

"The Home authorities disapproved of that part of the treaty which imposed on the Oude State the expense of the auxiliary force; and on the 8th of July the King was informed † that he was relieved from the cost of maintaining the auxiliary force, which the British Government had taken upon itself.

"*With respect to the remaining articles of this treaty, the Court at Lucknow consider that they are binding on the contracting powers; and it appears that they have received no intimation that the treaty has been cancelled, nor are they aware that it is valueless in the estimation of the British Government.*"

Let us endeavour to realize the state of things thus indicated.

The Kings of Oude were secured by British protection against all aggression, whether of foreigners or of their own subjects.

Their political morality was so low, that they had to be bound, by treaty with strangers, to govern well.

Their subserviency to British influence was such, that in the event of "gross and systematic oppression, anarchy, and misrule" within their dominions, they authorized by treaty the British Government to take into its own hands the management of any portions of their territory, great or small, and for any period.

* Oude Blue-book, p. 81.

† Lord Auckland's letter, conveying the intimation, dated 8th July, 1839, will be found in 'Dacoitee in Excelsis,' p. 91. His words are: "I have in consequence been authorized by the Court of Directors to inform you that "*if I think it advisable for the present,* I may relieve your Majesty from *part of the clause* of the treaty alluded to, by which clause expense is laid upon your Majesty."

They were never informed that the British Government had repudiated such an authority, but, on the contrary, believed it to have been accepted.

What could be expected by the British Government, of such rulers? How could it insist upon their governing well? Can you make a man a puppet, and then quarrel with the thing for not being a man? Most truly does Mr. J. P. Grant say, "It seems to me as hopeful a task to rear heart-of-oak in a dark cellar, as to bring up, under a foreign protectorate, a capable ruler in the palace of such a dependency as Oude." *

How then could Lord Dalhousie's proclamation dare to charge on the rulers of Oude all the misgovernment of which, not by actual tyranny, but by "obstinacy, or incapacity, or apathy," by taking "no real share in the direction of public affairs," they had been guilty, without saying one word of the treaty by which they deemed themselves to have vested in the British Government full powers of stopping such misgovernment? Do we see the hypocrisy of annexing a whole country as the only means of securing the good government of its people, when, for nearly twenty years, we might for that purpose have entered upon the government of any portion of it which we thought required such a measure, and have kept that government as long as we might have deemed it necessary?

That this hypocrisy, as I must again call it, was no oversight of self-delusion, is easily shown. Lord Dalhousie, to use his own words, met it "full in the face."

In his Minute of Jan. 15, 1858, concurred in by the other members of Council, the Resident is instructed as follows:—

"It is very probable that the King, in the course of the discussions which will take place with the Resident, may refer to the treaty negotiated with his predecessor in the year 1837.

"The Resident is aware that that treaty was not continued in force, having been annulled by the Court of Directors as soon as it was received in England. The Resident is further aware that, although the King of Oude was informed, at that time, that certain provisions of the Treaty of

* Oude Blue-book, p. 209.

1837, respecting an increased military force, would not be carried into effect, the entire abrogation of the treaty by the Court of Directors was never communicated to his Majesty.

"*The effect of this reserve and want of full communication is felt to be* EMBARRASSING *to-day. It is the more* EMBARRASSING *that the cancelled instrument was still included in a volume of treaties which was published in* 1845 *by the authority of Government.** There is no better way of encountering the difficulty than by meeting it full in the face.

"If the King should allude to the Treaty of 1837, and should ask why, if further measures are necessary in relation to the administration of Oude, the large powers which are given to the British Government by the said treaty should not now be put in force, his Majesty must be informed that the treaty has had no existence since it was communicated to the Court of Directors, by whom it was wholly annulled. His Majesty will be reminded that the Court of Lucknow was informed at the time that certain articles of the Treaty of 1837, by which the payment of an additional military force was imposed upon the King, were to be set aside. It must be presumed that it was not thought necessary at that time to make any communication to his Majesty regarding those articles of the treaty which were not of immediate operation, and that a subsequent communication was inadvertently neglected. *The Resident will be at liberty to state that the Governor-General in Council regrets that any such neglect should have taken place, even inadvertently.*"†

Do we rightly conceive the stain upon the name of England which is burnt in by proceedings like these? A treaty is entered into, with all due formality, by a native sovereign with a Governor-General. He receives notice that one or two of its articles have been disapproved by higher authority at home. Of course the necessary inference from such notice is, that the remainder of it has been approved of. Eight years after, he sees the treaty published by authority of the British Government. Eleven years after such publication, he receives the first intimation that the treaty has been wholly null from

* This is less than the truth. In 'Dacoitee in Excelsis,' p. 209, will be found a letter by Lord Hardinge to the King of Oude, written in 1847, which expressly refers to and quotes the Treaty of 1837 as if still subsisting.

Again, the Oude Blue-book itself shows that in 1851 Colonel Sleeman wrote as follows:—"I do not think that our Government can any longer *forbear to exercise, to the fullest extent, the powers which the Treaty of* 1837 *confers upon it,* of taking upon itself the administration, and conducting it by means of its own officers" (p. 166).

† Oude Blue-book, pp. 239, 240.

the beginning. What native can believe, after this, in the signature of a Governor-General—in the authority of a British official publication?*

One last point requires to be looked to. Annexation was treated as necessary for the sake of the people of Oude. To "desert" them, says Lord Dalhousie, "would have been to deliver them up *helpless* to oppression and tyranny." They had no power then, it would seem, to resist that oppression, that tyranny, by themselves? . . . The very reverse is expressly stated in the very minute to which the proclamation is annexed.

> "Were it not," says Lord Dalhousie, "for the support which the Government of India is known to be bound to afford the King against all domestic as well as foreign enemies; were it not for the constant presence of British troops at Lucknow, *the people of Oude would speedily work their own deliverance*, and would impose upon their rulers that effectual check of general revolt by which Eastern rulers are best controlled."†

Now there were reasons why a man really jealous of the fair fame of his country should have shrunk from even the most proved necessity of annexation. In the case of Oude, it unfortunately could never *seem* disinterested. Oude was no sandy desert, no barren mountain-ridge. Sir William Sleeman had thus described it in 1850:—"The surface of Oude, with the exception of the belts of jungle above described, *is well cultivated*, and the soil *is richer than any that I have ever seen in any of our own districts.*"‡ The revenue of the country might fall short of its expenditure; but the British Govern-

* See also the opinion of Dr. Travers Twiss (Dacoitee in Excelsis, p. 192), concluding as follows:—

"Upon the best consideration which I have been able to give to all these facts, I am constrained to come to the conclusion that the Governor-General of India in Council was *not authorized by the Law of Nations to set aside the Treaty of* 1837 *as inoperative*, and to look exclusively (Oude Papers, p. 149) to the Treaty of 1801 as the instrument by which the mutual relations of the East India Company and the rulers of Oude were regulated."

But, indeed, turn the international question into one of private law, and there is not a court of justice in England which would support us in claiming to set aside the instrument of 1837 on the ground of want of ratification.

† Oude Blue-book, p. 180, Minute of Jan. 15, 1856. ‡ Ibid. p. 161.

ment owed the State little short of two millions of money.* The annexation was expected to be so profitable that Lord Dalhousie looked forward to a surplus under British management, "after meeting all the ordinary charges of the administration" (the military portion of which had been undertaken by the Company since 1801, in consideration of a cession of territory), "and after providing for those measures of gradual improvement to which the increase in the revenues of the province ought unquestionably to be made applicable in the first instance;" which surplus he thought "should be placed at the disposal of the British Government."† The incorporation with our own dominions of the territories of our most faithful Indian ally, upon the ground of internal misgovernment, must always have seemed a harsh measure. Was it wise, for England's honour, to use such rigour so profitably to ourselves?

And now the tale of the Oude annexation may be dismissed. The country was seized on the plea of internal misgovernment. The misgovernment was such as neither rendered it a nuisance to British India, nor induced the population to seek for the application to it of British rule, nor to quit it for British jurisdiction. The misgovernment was such as the sovereigns of Oude had given us power to check, of our own authority, any time for the last nineteen years. The misgovernment was such as the people of Oude would have put down, the moment that the pressure of British power was withdrawn.

In the face of these facts, Lord Dalhousie proclaimed to all India that "no effectual security" could be had for the release of the people of Oude from their oppression, "unless the exclusive administration of the territories of Oude should be permanently transferred to the British Government."‡

* Return to House of Commons Order, ordered to be printed, March 14, 1856.

† Oude Blue-book, p. 189. Mr. Peacock indeed, I am glad to say, opposed this disposal of the revenues, thinking "that no pecuniary benefit should be derived by the East India Company." (Ibid. p. 231.)

‡ At this point there runs through the Blue-book, if we cared to trace it, a vein of rich comedy.

Although "*firmly believing*" that the "incorporation" of Oude "with the

V. Episode: How in 1835 Oude was not Annexed.

By way of episode, let us go back to the first quarter of the present century. Bishop Heber is travelling in Oude, 1824–5. Anglo-Indian talk about Oude miseries is as loudly benevolent as in 1855. He has "heard much of the misgoverned and desolate state of the kingdom of Oude." He has been cautioned against the dangers of Lucknow. To his astonishment, he finds the armed peasants "peaceable and courteous." In Lucknow he meets with "invariable civility and good-nature," and "a far greater spirit of hospitality and accommodation than two foreigners would have met with in London." He is pleased and surprised, after all which he has heard of Oude, "to find the country so completely under the plough, since, were the oppression so great as is sometimes stated, I cannot think" (he says) "that we should witness so considerable a population, or so much industry." From Lucknow to Sandee "the country is as populous and well cultivated as most of the Company's provinces." The then King—the accomplished Ghazee-ood-Deen-Hyder—to whom "no single act of violence or oppression has ever been ascribed," or "supposed to have been perpetrated with his knowledge"—complains of having "lent to the British Government all the money which would have enabled him to ease the people of their burdens." The people, whilst speaking freely of their home grievances, when asked whether they would wish to be put under English government, exclaim, "with great fervency, Miserable as we are, of all miseries keep us from that!" *

British dominions, and the total extinction of its sovereignty, *would be the happiest issue that could be desired* for the interests of all connected with it," the mild and moderate Lord Dalhousie did "not counsel the adoption of that measure by the Government of India." Gentle violence has to be practised upon him by his bold fellow-councillors, headed by Mr. Dorin and Mr. J. P. Grant; and, under encouragement from the Court of Directors, he at last takes the final step in that work, of which, as he touchingly states in the opening minute of the Blue-book, the "ripened fruit will be gathered only by those who may come after." Pleasant fruit for Lord Canning!

* The above extracts are collected in 'Dacoitee in Excelsis,' pp. 73 et seq.

Let us go on for about ten years. The Hon. Frederick John Shore, Judge of the Civil Court and Criminal Sessions of the district of Furruckabad, writing, in 1833, under the signature of "A Friend of India," to a Calcutta paper, those invaluable Letters which were afterwards published in a collected form under the title of 'Notes on Indian Affairs,' * speaks as follows :—

"The misgovernment of Oude has been the most fertile topic for the English for years ; and it is strenuously asserted, both officially and in private conversation, that the people are sighing for the introduction of our rule, to put a stop to the miseries under which they are groaning. . . . This opinion is deduced, first, from the reports and statements of the different Residents at Lucknow, derived from their sycophant dependants. I believe that many of them have officially given opinions quite at variance with their private sentiments, satisfying their consciences by representing them as having been derived from conversations with the people, without discriminating what *class* of natives were their informants. The next is the inefficiency of our own police, and the inadequate protection to person and property which it affords. The magistrates, being obliged to make periodical reports, are necessitated to find some reasons which should not detract from the excellence of our system. For the districts along the whole border territory, Oude is the scapegoat. 'The dacoits come from Oude.' 'They are protected by the zemindars, and others in authority.' 'Until some better system be enforced in his Highness's dominions, it is impossible that peace can be preserved here.' 'The thieves find a ready deposit for their plunder in Oude.' . . .

"Now the truth is this :—The boundary is a mere arbitrary line drawn through a tract of country which was formerly under the same government. On each side of the boundary, the people are connected by the ties of kindred and acquaintance, and even by being sharers in the same property ; and they keep up their intercourse both for good and evil. In the robberies in our border territories, some of the Oude people are undoubtedly occasionally concerned, but, I believe I may say, *invariably* in connection with some of the residents in the British possession. Equally are some of our subjects in the same manner connected with the robberies in Oude. . . . Should an application be made for the apprehension of a criminal from Oude, who has taken refuge in the British dominions, in general no notice is taken of it. . . .

"The current assertions respecting the misgovernment of Oude receive considerable strength from what passes repeatedly between our

* London. J. W. Parker, 1839. 2 vols. 8vo.

officers and their Sepoys. Every one has complained (and with much truth) of the tendency among the natives who are connected with those in authority, to turn that connection to improper account, and to make use of it in order to enforce an unjust demand or an unfounded claim. No class is more prone to this than the British Sepoys. . . . I firmly believe that three-fourths, or even a larger proportion, of the complaints of injustice suffered in their own country by the Oude Sepoys in our army, are in reality of such a nature that, in strict justice, they ought to be punished for making them. . . .

"I have travelled over several parts of Oude, and can testify, as far as my own observation went, that it is fully cultivated according to the population. . . . I have known many officers who have been stationed at Seetapoor, and have made excursions into the neighbouring parts; without an exception, they described the country as a garden. In the number of cattle, horses, and goods which they possess, and in the appearance of their houses and clothes, the people are in no points worse, in many better off, than our own subjects. The wealth of Lucknow, not merely of those in authority, but the property of the bankers and shopkeepers, is far superior to that of any city (Calcutta perhaps excepted) in the British dominions. . . . How can all this be the case, if the Government is really so notorious for tyranny and oppression? The truth is, that the Lucknow Government is in many cases more lenient than our own. Sales and confiscations of hereditary property are by no means common there. . . . True, a man is not unfrequently deprived of his estate, as a punishment, but it is rare that he is not ere long restored; and that is better than being permanently stripped of his possessions, perhaps for a trifling balance caused by over-assessment of the lands."*

But those were the days of Lord William Bentinck,—the days when not Shore alone, but other worthy compeers, Trevelyan at their head, were fearlessly exposing every canker in the Indian administrative system. Lord William Bentinck had come out impressed, as all the world, with the enormity of Oude misrule. He had threatened the ruler in 1831, as Lord Dalhousie complacently reminds us in one of his minutes† as well as in his proclamation,‡ that, if his government were not reformed, the settlement of it would need to be made by British officers. But Lord William Bentinck had an awkward trick of thinking for himself. On investigation, it struck him that, between the King of Oude and the British Resi-

* Notes on Indian Affairs, vol. i. pp. 152–7.

† Oude Blue-book, p. 155. ‡ Ibid. p. 255.

dent, the latter was the greater nuisance of the two. "Clothed with a degree of state equal to that of royalty itself, acting the part rather of a schoolmaster and dictator than of the minister of a friendly Power, exercising a jurisdiction totally incompatible with the Royal dignity and authority," he thought "it would be more for the comfort of the Sovereign, for the advantage of good government, and for the interests of both, that the Sovereign should be relieved from this more than king."* He may have gone too far in this direction, in absolutely refusing to support the reforms of an able native minister, Hakim Mehdi, though, had he remained longer in office, it may still be a question whether the freedom which he sought to leave to the Oude rulers, if they could once have believed in its reality, might not have been a greater blessing to their people than British tutelage.† He did not go too far, when the Court of Directors specifically empowered him to dethrone the King of Oude and annex his country, in remonstrating against such instructions, almost as the last act of his government (1835).‡

And now Frederick Shore returned again to the subject. The state of Oude, he says, "has during the last two years excited considerable interest, and produced no small portion of discussion in the public prints." The motives of the Court of Directors, in issuing the late orders for annexation, "*are obvious enough—gain.* Situated as Oude is, the taking possession of it would not require us to augment our military force, whereas it is anticipated that, after defraying the expenses of its civil administration, a considerable surplus would remain for the benefit of the Company; besides which, its acquisition would render our territories more compact." He knows it is "a sort of heresy" to hint that anarchy and misrule do not prevail in Oude. Still he goes over again, and at

* I meet with this remarkable extract in Mr. Malcolm Lewin's pamphlet, 'Has Oude been worse governed by its Native Princes than our Indian Territories by Leadenhall Street?' p. 7.

† See Wilson's continuation of Mill, vol. i. pp. 374 et seq.

‡ Observe the contrast. Lord William Bentinck, before leaving office, refuses to annex Oude; Lord Dalhousie requests his term of office to be prolonged that he may do so.

greater length, all the allegations to this effect, and his answers to them. The land, it is said, is uncultivated. His answer is, that "the rent demanded of the people is much less than in our own provinces; they are consequently not only much better off in the number of their flocks and herds, the quality of their food, clothes, and other necessaries of life, but are not, as is the case in our provinces, compelled to cultivate every spot of ground which can possibly be made to yield a return, where, while the people are obliged to work much harder than the Oude peasants, they must be content with a bare subsistence. . . . The simple fact is, that in Oude the peasants retain so large a share of the profits of their labour, that they are not so necessitated to cultivate other than the good soils, while the waste yields them brushwood for fuel, and grazing for their cattle." But as to the fertile portions, he speaks of one which is a "perfect sheet of wheat and barley,"—of "forests of mangoes" bounding the horizon,—the mango in that part of the country not yielding any tolerable return until fifteen years, which "does not look like insecurity of property." . . .

"The police is at least as efficient as our own, and it receives considerable assistance from the landholders. Crimes such as gang-robbery and affrays are certainly not more numerous than in our own territories; burglaries and small thefts are less so. The tranquillity of Lucknow itself is remarkable: few people carry arms; and affrays, thefts, and quarrels are far less frequent, in proportion to its size, than in the average of large towns in the British provinces. . . .

" . . . There is still in Oude a pretty numerous middle class of landholders, to whom the people look up with hereditary respect, and who are of the greatest use in settling claims and disputes. . . . In the towns also, the merchants are very much in the habit of resorting to arbitration."

But it is said that the "constant insurrections" proclaim oppression. Mr. Shore's answer is, that he doubts whether the difference between the state of things on one side of the border, and that on the other, does not lie in words. "What we call 'insurrection' there, would, on our own side of the river, be denominated 'petty disturbances.'"

But how could the idea of Oude misgovernment ever be-

come so general? First, through "the fixed creed of the English, that everything of English origin, or appertaining to ourselves, must be superior to everything connected with the natives." Few people know anything about Oude; civilians seldom visit it. Those on the borders of Oude have been too glad to look upon that country as the scapegoat to bear the blame of the inefficiency, either of themselves or their police; so that the Furruckabad Judge *does not know "what the magistrates on its borders would do for an excuse, if we take possession of Oude."* As to military men, many have only seen the road between Cawnpore and Lucknow, where much of the land lies waste simply because it is worthless; and this state of things is attributed to oppression. "The servants of others are sometimes beaten for attempting to enforce the purveyance and forced labour system, which they are accustomed to do with impunity in our own provinces; and the masters abuse the people, they sometimes meet with the retort courteous. . . . This, of course, produces furious complaints of the misgovernment of the country, and the insolence of the people." Others derive all their notions respecting Oude from the interested complaints of Sepoys. On the whole, with satiric moderation, he concludes:—

"The people of Oude are not worse governed than our own subjects. . . . In every part are to be found respectable landholders and heads of villages, of various degrees of rank and wealth, forming the chain between the higher and lower classes, instead of, as in our provinces, the whole being reduced to the equality of a nation of paupers. They are not cursed with confiscation laws, or special commissions, nor with salt, opium, or other monopolies. . . . The people are not excluded from every office which a man of integrity could accept; . . . and, without exception, there is not a single class which does not possess more wealth and property than the corresponding class in our own provinces. . . . In one part of the Doab, not many months ago, the people, farmers and peasantry, held quite a rejoicing on hearing a report that that part of the country was to be transferred to the King of Lucknow."

As to the wealth of the people of Oude, it is shown, first, by the bazaars, "not only in Lucknow, but in any town in the country," being filled "with far more numerous and expensive articles than those of corresponding size in our own

territories;" next, by the large sums invested by Oude merchants in Government securities; lastly, by the openly avowed anticipations of surplus revenue to be derived, under our revenue-screw, from the country when annexed.*

So wrote the Judge of Furruckabad twenty-two years before the annexation. I do not say that things in 1857 were precisely in the same condition as in 1835. It is the natural course for a protected State, under puppet kings and a Resident with ever more dictatorial authority, to retrograde. It should be the natural course for territory under British rule to progress. Yet there are ominous resemblances between the two pictures. The desire to annex, the cry against Oude misrule, the specific pleas put forth, or sought to be put forth, for the extinction of the native power, the anticipation of surplus revenue from such extinction, are the same. The hints against the propriety of annexation, which are supplied by the accusing Blue-book of 1857 itself, seem to grow into substantial realities in Mr. Shore's pages. Can it be possible that the main difference lies in this, that Lord William Bentinck and Frederick Shore were in their graves?

VI. How the Annexation was carried out in 1857.

Perhaps we are now better able to understand why, instead of informing us that the blessed deliverance of British rule had been received by the oppressed people of Oude with delirious joy, the Court of Directors only congratulated their Governor-General on the acquisition of 25,000 square miles of territory with 5,000,000 inhabitants, "without the expenditure of a drop of blood, and almost without a murmur." Perhaps we may be tempted already—without looking to later consequences—to attach some weight to the remarkable warnings addressed to the House of Commons by Mr. Otway, in his speech of April 15th, 1856:—

"I fear that this annexation will result in some fearful disaster to this country. . . . I have letters in my possession which state that, when the measure of annexation was proclaimed at Lucknow, no fewer

* Notes on Indian Affairs, vol. ii. pp. 260–280.

than 10,000 persons actually put on mourning* on the announcement of what they regarded as the greatest disaster that could befall them, namely, the annexation of their country to the British dominions; and the letters further state, that the poor people almost universally tore their hair and beat their breasts in despair when the sad intelligence reached them. I very much fear that the result of the measure will be tumult, disaffection, and bloodshed, not only amongst the people of Oude, but amongst the Sepoys as well, as many of them belong to that country; and I have received a letter, in which the writer, a most in telligent and respectable person, declares that the measure has been regarded in that country generally as one of the most unjust and impolitic acts ever perpetrated by this country in the course of its government in India, and petitions, very numerously signed, have been presented against it."†

Still, however perpetrated, I do not wish to say that the annexation of Oude might not have been successful. The Kings of Oude had no lengthened pedigree; their sovereignty was of yesterday. They were Mussulman rulers in a land in a great measure peopled by Hindoos, and Hindoos of the upper castes,—able Brahmins, warlike Rajpoots. They had no great personal popularity, or the Oude people would at once have flown to arms for the maintenance of their dispossessed monarch. On the other hand, the English prestige was great. For more than half a century they had been the recognized protectors of the people. "The British character," wrote Colonel Sleeman in 1851, is "respected in the remotest village and jungle in Oude; and there is, I believe, no part of India where a European gentleman is received among the people of all classes with more of kindness and courtesy than in Oude. He is treated with the same respect and courtesy in the most crowded streets of the populous city of Lucknow."‡ Now, when we think of the Oriental character in its passiveness, in its fatalism, in its personal attachments, we see at once how possible it would have been for the original vice of possession to have been overcome. Scinde had been the victim of the most scandalous treaties and breaches of treaty. The

* This of course is figurative. The people of India do not wear mourning, properly so called.

† Hansard's Parliamentary Debates, vol. cxli. p. 1222.

‡ Oude Blue-book, p. 167.

Ameers had seen a whole warlike population rise in arms on their behalf. Their power had only been broken by two hard-fought battles. But the genius of Sir Charles Napier made Scinde an attached dependency of the British power. Bold among the bold, prudent among the prudent, a chief of chiefs, a comrade to any soldier, a protector to the oppressed, irresistible in war, yet always devising facilities for the arts of peace, he transformed a den of robbers into a thriving garden. Far more easy would his task have been in Oude.

But in Oude the British Government at once made itself known not through a man, but through a system. Most characteristic is the despatch addressed by the Secretary to the Government of India (February 4th, 1856) to Major-General Outram, as Chief Commissioner for the affairs of Oude and Agent to the Governor-General. Places and salaries are what it starts with. He is to have in subordination to him "a judicial and a financial commissioner, commissioners of divisions, deputy-commissioners, and extra assistants." Their number is fixed approximately beforehand. Their pay is to range from 3500 rupees to 250 rupees a month, say from £4200 to £300 a year. Besides "special military assistants," there will be in due time an "inspector of jails," a "Department of Public Works." A special "Office of Audit and Account" is deemed "at present unnecessary." Not a thought appears to have been taken of any existing native administration, of any adaptation of the new government to the habits of the people. The administration is to be conducted as "nearly as possible in accordance with the system which the experience of nearly seven years has proved to have been eminently successful in the provinces beyond the Sutlej;" that is to say, the "system" imposed on the Punjab by force of arms, after the crushing of the native Government, is to be applied, after a peaceful annexation, to a wholly different race. There is to be a "summary settlement of the land revenue," to be "made, village by village, with the parties actually in possession, *but without any recognition, either formal or indirect, of their proprietary rights;*" the assessments are to be "moderate and, so far as that may be practicable, equable." All transit duties (if any)

are to be abolished. "The only sources of Imperial revenue will be the land and an excise on the retail sale of spirituous liquors and intoxicating drugs (abkaree), for the introduction of which latter, arrangements must be made forthwith, on the plan which obtains in the North-western Provinces and the Punjab." "Fiscal and judicial authority are to be united in the person of the Commissioner and the district officer." As respect rent-free lands, all "grants for which sufficient authority can be produced and established" are to be confirmed; but they are to be strictly proved.

The time would fail me for going through the twenty and more pages of which this despatch consists. Of its minuteness I cannot give a better idea than by saying that it details the establishment of projected charitable dispensaries, including the bheestie, or water-carrier, and the sweeper, each at four rupees —say 8*s.*—a month. But let us try and realize its operation.

How tender are we in England of interference even with vested abuses! how careful to adjust the most needed reforms in the State so as to press most lightly upon private interests! Abolish the idlest sinecure in the Exchequer, and Mr. Deputy Chaffwax will expect and receive compensation by Act of Parliament. In our own country, acting under the sanction of a popular representation, we do not think it beneath us to attend to such trifles. But Lord Dalhousie sweeps away at one blow the whole system of native administration in Oude; and what does he propose by way of compensation for vested interests? Pensions to civil servants, who have served at least twenty-five years, amounting to from one-fourth to one-half of their emoluments; to those who have served twenty years and under twenty-five, *nine months'* pay; to those who have served fifteen years and under twenty, *six* months' pay; to those who have served seven years and under fifteen, *three* months' pay; to those who have served less than seven years, apparently, nothing at all! "Provided also, that *no person shall be recommended for pension or gratuity who may decline employment offered to him under the British Government.*"

Do we rightly conceive the bearing of this? Suppose our whole administrative system swept away, and replaced by one

on the newest Napoleonic pattern. Suppose the working of it so novel to Englishmen, that a number of French *employés* have to be brought in, at high salaries, all anxious to make the most money in the least time, so as to return to their own country. Suppose the compensation offered to be calculated on the Oude scale,—viz. pensions only after twenty-five years' service, *i. e.* to men who would probably, if not certainly, be past forty-three years of age, and then only one-fourth of previous emoluments, increasing to one-half for thirty-five years' service, *i. e.* for men who would in all likelihood be past fifty-three. Suppose nine months' pay the only compensation allowed to servants of from twenty to twenty-five years' standing, or say of from thirty-eight to forty-three years of age; three months, to those of from seven to fifteen years' standing, or say of from twenty-five to thirty-three years of age; nothing to be given below that term of service; and, to crown all, neither pension nor gratuity to be given to any person declining employment, apparently of any kind, offered to him under the new system; so that if a veteran Lord Chancellor were to decline serving as usher to the new French "Tribunal of First Instance," he would, by the letter of the new regulations, be debarred from all compensation. Would not every English stomach rise at such a piece of insolence? would not the whole country lift itself as one man to throw off the incubus of such an administration?

It is perfectly true that a large portion of the Oude misgovernment was to be attributed to the native officials. But there is distinct evidence that they were not all unworthy of office. Captain Orr, of the Oude frontier police, says of the Gondah district, that "the nominal nazim, or rather his naib, Suddun-Lall, who is the nazim de facto, . . . governs with extreme leniency; . . . and under his rule, the Gondah-Bharaitch district is rapidly progressing in cultivation and prosperity." * Not the slightest exception is enjoined by the Chief Commissioner's instructions to be made in cases such as these. Suddun-Lall of Gondah, for aught we know, may have been dismissed from the charge of a district which under him

* Report, Jan. 9, 1855; Oude Blue-book, p. 69.

was "rapidly progressing in cultivation and prosperity," on the insulting gratuity of a few months' pay; and even that may have been withheld, if he has refused some subordinate office under some English boy Assistant-Commissioner.

But I forget. General Outram was, by the Minute, to have a "discretion in dealing with special cases;" a "discretion in giving such assurances, and holding out such advantages as (without imposing any undue burden on the State) would tend to reconcile the minds of influential persons in Oude to the intended transfer of the powers of government." * How the General understood this part of his instructions may be best judged by his own Report to the Secretary to Government (Feb. 7, 1857), in which he says, "His Lordship in Council will have gathered from the translation of the Conference which I held with the Queen Mother, that I promised that lady an annual stipend of one lakh of rupees, provided that the King would accept the treaty." † In other words, he tried to bribe a mother with £10,000 a year to procure her son's abdication. The Mussulman lady spurned the offer. But on the personal grievances of the Oude princes I cannot, I must not, dwell.

To revolutionize the whole administration of Oude, with the most trumpery provisions for compensation to existing officials, and a latitude of bribery here and there to some influential personage, was therefore the first effect of the instructions to the Chief Commissioner. That a mass of discontent was thus at once created, follows of necessity. Still, as the mere officials were probably the most unpopular class in Oude, this danger might have been overcome, if the interests of the bulk of the population had been wisely dealt with. The feelings of the people need not have been touched to the quick, if the English had not meddled with the land.

I enter here upon the most difficult part of the subject. It is one of which the Government, at the date of the annexation, were confessedly ignorant. For fifty-five years that the English Government had been by treaty the protector of the Oude people, it never seems to have occurred to any English

* Oude Blue-book, p. 278. † Ibid. p. 291.

official, that, with a view to the effective exercise of that protection, an accurate knowledge of the landed tenures of the country was indispensable. The Government had nothing but beliefs on the subject. "The tenures in land, the distinctive characteristics of proprietary village communities, are *believed* to be identical with those in the North-western Provinces," * writes the Secretary to Government to the Chief Commissioner. "*There is therefore every reason to believe, and none to doubt,*" —so, with exquisite *aplomb*, he goes on to say,—"that the system of administration as modified for the Punjab, and divested of all those forms and technicalities which delay justice, and are specially distasteful to a people unaccustomed to technical litigation, *will be acceptable to the people of Oude.*" Alas for the jaunty confidence of the Secretary to Government! the heroic garrison of Lucknow have had some "reason to doubt" the acceptableness of the Punjab system to the people of Oude, if *he* has yet seen none!

I have expressed elsewhere† my admiration for the so-called Indian village system,—that system according to which each village community forms an organic body in itself,—a tiny republic, self-governed, self-supported. I rejoice as much as any man can do over its recognition—too tardy indeed—in the North-West, over the attempts since made to extend that recognition over other districts. I have no quarrel with the Punjab administration. I believe it to be the best in India, precisely because it is unlike others. What I am astounded at is to see *any* form of government, as such, suddenly thrust upon a kingdom of five millions of souls, in the very act of annexation, on the ground of a mere belief in identity of tenures, and without any doubt of its acceptableness. When, in the history of mankind, were empires won or maintained by such rash empiricism? ‡

* Oude Blue-book, p 262.

† British India, its Races and its History, vol. i. pp. 61 et seq.

‡ Some hints as to the tenures of Oude may however be gleaned from the Blue-book. In General Outram's Report of February 6, 1855, under the head of "Revenue and Finance" (Blue-book, p. 19), he states that "the territorial revenues of Oude are derived from four sources :—1. The Khalsa, or Crown estates; 2. Huzoor Tehseel, wherein the landholders pay direct to Government ; 3. Dis-

Now the State of Oude appears to have been peculiar in many respects. The impression produced on my mind by the Oude Blue-book is, that at the date of annexation it reproduced in miniature, to a great extent, the aspect of the Mogul Empire when the British power sprang up in India,—a feeble central authority, the local officers of which were rising on all sides to independence. But the remarkable feature in Oude, as I have endeavoured to show before, is the existence of the great Hindoo talookdars as feudatories of the Mussulman sovereigns. As "Anglo-Indian," the 'Daily News' correspondent, most justly observes, "We should have discriminated, and with great nicety too," between these recognized Hindoo feudal chiefs and the "mere hereditary zemindar or collector of revenue, such as were created by the Mahomedan kings of Delhi, and whom we found in Bengal and in our North-western Provinces." The village system is not destroyed by the existence of these feudatories; it simply lies behind them. But they are tenacious of their rights; it is the Rajpoot adage, that he takes and gives life for one finger's breadth of land. Now it is these men—claiming their authority by immemorial exercise—whom General Outram was instructed to sweep away as it were from all immediate consideration. I do not exaggerate: "It must be borne in mind," say the Instructions, "as a leading principle, that the desire and intention of the Government is to deal with the actual *occupants* of the soil, that is, with village zemindars, or with the proprietary coparcenaries, which are believed to exist in Oude, and *not to suffer the interposition of middlemen, as talookdars,* farmers of the revenue, and suchlike. The claims of these, if they have any tenable claims, may be more conveniently considered at a future period," etc.*

Conceive a Government in this country, on the introduction of a bran-new Continental administrative system, instructing its officers to ignore all rights of property beyond those of

tricts comprising the estates of talookdars and zemindars, the revenues of which are held in izarah, or under contract; 4. Districts, similarly composed, held under amanee, or trust management."

* Oude Blue-book, p. 260.

"the actual occupants of the soil," and not to suffer any interference by the Duke of Devonshire or the Duke of Bedford, Lord Westminster or Lord Portman, or any other such "middlemen," whose claims might be "more conveniently considered at a future period"! Surely the wildest Irish Tenant-right Bill never came near to the agrarian revolution thus attempted in Oude by Lord Dalhousie's government. Such a revolution might seem indeed likely to conciliate the "actual occupants." The Calcutta Council flung away even this advantage. The revenue settlement was expressly directed to be made, as I have said before, "*without any recognition*, either formal or indirect," of the "*proprietary right*" of parties in possession, and for three years only at the first. Thus the "proprietary coparcenaries," as the Instructions call them,—[illegible] whose rights are as immemorial as those of the great feudatories themselves,—appeared, even if they were not meant to be, as directly threatened as the great feudatories themselves. And when we recollect that these great feudatories would often be only heads of clans ruling over their clansmen and their dependants, we shall see at once that, even without this special cause of disquietude to the hereditary occupiers, the blow struck at the talookdars, instead of conciliating the people, would raise whole clans, by the violation of the rights of their chiefs.

Add to this, lastly, the pressure of that expedient for raising revenue which has proved so galling in India wherever it has been tried,—the inquiry into and resumption of rent-free lands. The Instructions directed "that all grants of land or money shall be confirmed in conformity to the actual terms of the sunnud, *if the authority of the grantor, and the authenticity of the grant, shall be established by proof*."* But in the most positive cases of exemption, this is a matter which cannot be so established. The hereditary boast of many of these rent-free landholders is, that their holding is immemorial, antecedent to any grant which may be alleged. They claim, not by grant, but by prescription. Their rights are simply notorious. I can conceive nothing more likely to have stung a

* Oude Blue-book, p. 266.

Rajpoot's pride to the quick than to ask him for proof of a title, beside which that of the Great Mogul himself would be a thing of yesterday. And let it be observed, that the only grants to be accepted as valid were to be those of the Viziers and Kings of Oude, and that, in default of such, the possession was only to be continued "for the lives of the incumbent occupants."*

Thus, with success unexampled, we ended by uniting every class of the Oude population against us. The Government *employés* were alienated by contemptuous displacement and contemptible compensations. The Mussulman population—probably greatest in the capital and chief towns—naturally felt sorely galled by the extinction of the last Mussulman kingdom of India. The great men of the provinces—Mussulmen or Hindoos, zemindars or talookdars—were incensed by the absolute ignoring of their position and jurisdiction. Rent-free holders were alarmed by requiring of them proofs of exemption, difficult to be produced, in exact proportion to the ripened length of their titles. The smallest occupying landowner was disquieted by short settlements made without recognition, direct or indirect, of his proprietary right.

Now the most remarkable thing is, that what we did, we had been distinctly warned against doing, twenty-two years before. Frederick Shore foresaw that Oude *would* be annexed. Wishing to take time by the forelock, he occupied himself beforehand with the question of how it should be governed. He wrote as follows:—

"In the first place, I hope we shall avoid the mistake we have hitherto made for many years, on our acquisition of different portions of territory. *No sooner have we taken possession, than, at one blow, we have annihilated every existing establishment*, whether for the administration of the revenue, or of civil or criminal justice; *we have pronounced the natives, in the mass, to be corrupt and incapable, and dismissed them all from their situations*, however respectable and however well qualified they might be to discharge the duties of them with fidelity and efficiency. . . . *Our next step has been to raise the taxes to a much greater height than was ever done by their own governments*,—the large landholders who possessed establishments of servants, elephants, and

* Oude Blue-book, p. 266.

horses, being especially marked for plunder; *and this course has been persevered in until we have succeeded in reducing almost all the landed proprietors* (those only escaping who had the means to bribe, or who were connected with the native officers of our establishment) *to a happy equality of pauperism.* . . .

"... We shall find it a much more difficult matter to introduce the system above described into Oude than we did in the neighbouring districts. In these, the levelling system and extra taxation at every settlement have come more gradually upon the people; but those of Oude have witnessed not only the progressive operation, but the result also; and they plainly perceive that our subjects are much poorer than themselves. *It would require a considerable military force to introduce the English revenue-screw into Oude, most especially if it be accompanied with the discharge of every respectable native from employment.*" . . .

Five English functionaries, he considered, would be sufficient for the country, with perhaps one English magistrate at Lucknow. The revenue settlement should be for *twenty years* "with each village, or with the rich talookdars or landholders. . . . *Instead of turning all the large talookdars or landholders out of their estates, our object should be to uphold them as much as possible.*" "It would be a noble opportunity," he thought, "by proper selection of British functionaries to carry the system into effect, of showing what may be done by native management, and how much more cheaply we might govern India than we have hitherto contrived to do."*

Let any one place this plan beside that of Lord Dalhousie, with its administration in which the only opening for native employment begins with the "extra Assistants," coming after the Judicial and Financial Commissioners, the four Commissioners of Divisions, the twelve Deputy-Commissioners, and the eighteen Assistant Commissioners,—with its three years' village settlement,—with its express exclusion of the claims of talookdars; and then let him say whether the curse of the Oude war has come upon us causeless.†

* Notes on Indian Affairs, vol. ii. pp. 280–9.

† The choice of officers to carry out the annexation appears also in some instances to have been unfortunate, as I have both heard, and also read in a privately printed letter from India.

VII. Nature of the Present Struggle, and how it might be stopped.

And now perhaps we see how, when the greased cartridges affair had kindled the first spark, the whole of Oude easily blazed into rebellion; how, in that country, of which it has been recorded (by Colonel Sleeman) that "in no part of India" was a European gentleman "received among the people of all classes with more of kindness and courtesy than in Oude," the garrison of Lucknow should have been beleaguered for so many months by crowds thirsting for the blood of every man, woman, and child within the Residency.

The condition of the country is most favourable for resistance. "There are," wrote Colonel Sleeman in 18[illegible] "at this time in Oude, 246 forts or strongholds, mounted with 476 pieces of cannon, all held by landholders of the first class, chiefly Rajpoots."* Around these strongholds the land has been converted into jungles, "some of them extending over spaces from ten to twenty miles long by from four to eight miles wide."† The newspaper correspondents tell us now‡ that there are 400 fortresses in Oude, not one of which has been dismantled since the occupation. And though they may sometimes affect to say that it is only the robber chiefs and armed populace of Oude that are against us, whenever we meet with a writer who appears to know anything or to have made any real inquiry into the state of things, we find evidence to the contrary. Thus "Civilian," whose before-quoted letter to the 'Times' is dated "Allahabad, Nov. 1,"§ after saying that the "general result" of the Oude settlement has been "to oust the talookdars and make direct village settlements," shows how, on the upset of our Government, "the talookdars almost immediately resumed what they considered to be their own again, and *seem to have met with popular*

* Oude Blue-book, p. 157.
† Ibid. p. 161.
‡ Times, Dec. 14, 1847.
§ Ibid., Dec. 15, 1857.

support." What the nature of that support is, stands vividly forth in a letter from Cawnpore, dated as far back as August 22nd, and which will be found in the 'Overland Bombay Times:'—

"The whole kingdom of Oude," says the writer, "seems to be in arms against us; *every village is fortified, loop-holed, and barricaded. These villagers fight with the desperation of fanatics;* in fact, they have cost us more men than we have lost in charging the batteries of the enemy. Round shot make but little impression upon these mud buildings; even twenty-four pound shot only pass through and leave the hole. There is no alternative but to enter them with the bayonet. But at what a fearful sacrifice! Every door is barricaded, and every part of the building loop-holed; the consequences are, that our men are shot like game, without a chance of hitting scarcely any of them. In the long-run th[illegible]re entered, but at the loss of twenty or fifty men. Such was a p[illegible]s each of our fights in Oude, with the exception of the last."

[illegible] the fact that for months the Lucknow garrison could find no one willing to convey a scrap of writing to Cawnpore, as I have seen it observed, proves sufficiently how thoroughly hostile has been the feeling of the people,—even though, under the influence of a milder spirit on our part, it may possibly now be somewhat less so. I am indeed inclined to believe, from the evidence of the Blue-books, that, so far from the great landholders having been the first to rise against us, they only followed the general population. I cannot otherwise account for the fact, that, while Delhi was still the centre of the military revolt, whilst Sir Henry Lawrence was yet alive, the Government narrator of events wrote,—"The whole of the outposts of Oude having been lost, the mutineers were gradually closing in upon Lucknow. . . . . Lucknow and its vicinity, *the only portion of Oude in which British authority is paramount.*" *

The Court of Directors, in their despatch of the 21st November, 1855, declared expressly † that the "benefit" of the people of Oude was "*the sole motive as well as the sole justification*" of the then proposed annexation. They wrote

* Further Papers relative to the Mutinies in the East Indies, p. 4.

† Oude Blue-book, p. 234.

again after the measure had been carried out,—" As it is *our first duty to render the introduction of our government a blessing to our new subjects,* so it is *our first wish that this duty may be so effectually performed that there shall henceforth be no conflict of opinion regarding the beneficent results of the peaceful revolution* by which the kingdom of Oude has been converted into a province of the British Empire in the East."*

Shall we deliberately falsify these solemn protestations by forcing our rule on the people of Oude at the bayonet's point? Shall we put forth the whole strength of England to support the confiscation of immemorial rights, the contempt of vested interests, of ancestral customs and privileges?—to break up, one by one, all the elements of national life (barbarous as it may be, yet evidently vigorous still) which exist among millions of people?—the feudal clan, with the warrior's loyalty to his hereditary chief which it begets,—the fortified village, the little republic of cultivators armed in defence of their own freedom? That these things must gradually disappear before advancing civilization, who can doubt? but why should we, in a wrongful cause, waste blood and money to annihilate them before the time? why should we seek to crush that "fine manly race," as Sir J. Dorin calls them, from whom we have drawn "almost the flower of the Bengal army"? †

And have we counted the price of doing so? I am no financier; but I see clearly that it must be years before the anticipated "surplus" from Oude revenues can equal the cost of its reconquest. I am no soldier; but I hear it said on all sides, I see it stated in the newspapers, that the extraordinary efforts made by the country to send out 50,000 men to India in the course of the present year must be wholly insufficient yet for the reconquest of Oude, —that the Commander-in-Chief cannot dispose of more than 15,000 effective Europeans,—that it may require a year

* Copy of Letter of December 10, 1856, ordered by the House of Commons to be printed, February 5, 1857.

† Blue-book, p. 192.

before the operation is completed. Meanwhile the advance of Jung Bahadoor,—a man, notwithstanding his energy and ability, stained it is said with every vice,—shows clearly that we do not consider ourselves equal to the task of re-conquest alone. Speculation is rife as to the price of his aid; it appears but little likely that he will afford it without being paid with at least a cession of territory. Shall we divide Oude with him? After annexing the country under pretence of rescuing it, not from the active tyranny, but from the selfish incapacity of its own sovereigns, shall we sell a portion of it to a merciless foreigner, and repeat the Rohilla bargain of a Warren Hastings? Nor is there even any glory to be anticipated from the operations which we have to carry on. The battles, properly so called, of the Indian revolt must be [illegible] end. All the large bodies of disciplined men which we could meet as foemen in the open field, have been broken up. Lucknow has been half won already. The weary subduing of fort after fort, of village after village, the obscure encountering of undisciplined resistance, the desperate self-sacrifice of scattered handfuls of Rajpoots, such is what we have to look forward to henceforth.

Surely it would be wiser, nobler, more English, more Christian, to acknowledge past mistakes, to recognize present facts, to deal directly with a people in arms under its hereditary chiefs. These men have a right to their own land, as we have to ours. They have shown that they can claim that right sword in hand. As we value our own country and the glorious name of freedom, let us not wrest theirs from them.

Once more, let it be clearly understood that I am not advocating a restoration of the late King of Oude. However unjustly on our part I may deem him to have been deposed, I see no symptom on the part of the Oude people of a desire for his return. If indeed they should want a Mussulman puppet-king, by all means let them have him, and pay for him. But the reverse seems likely to be the case. The state of things at present in Oude seems precisely that which it is our best policy to favour. A "Hindoo confe-

deracy," as the "Civilian" calls it, substituting itself for the rule of the fanatical Moslem, is a most hopeful sign for the future. The late period of its formation, the long hesitation of Man Singh to rebel, in spite of his grievances, show how instinctively these chiefs felt that they were our natural allies. Indian officers who know the Rajpoot character best believe that even now it would only require the assurance of justice, conveyed by a few men really conversant with the language and feelings of these men, and not only with those of wild Boondelas or wily Mahrattas,—to pacify Oude, to induce the chiefs to accept British supremacy; although, if we persist in forcing upon them our rule, our revenue settlements, our estate-sales, our inquiries into rent-free titles, they may shed the last drop of blood to resist us.

It may be said, indeed, that to treat with the Oude chiefs is to encourage revolt elsewhere. But surely there is a vast difference between the case of Oude and that of our older territories. You cannot reasonably place a country, in arms within eighteen months after its annexation, on the same footing as one revolting after even ten or twelve years of peaceful occupation. Whatever may have been our original title to Oude, prescription has certainly not yet run in our favour. Nor are there even the elements of such resistance in our older territories which we meet with in Oude. It is because there the framework of old Hindoo society has remained to a great degree unimpaired, that we find a *national* insurrection. And the circumstances of the annexation make the distinction still wider. He who enters a country by the mere right of the strongest may be expected to maintain himself by that right; but he who enters it under colour of treaty, professedly for the sole benefit of its inhabitants, cannot trust to force alone as a colour for his subsequent possession of it against the will of those inhabitants. As well might the man who takes my bundle to ease me on the way, be justified in knocking me down and keeping it when I seek it back of him. The men of Oude, if we are honest enough to face realities, have as clear a right to resist us by force of arms as Switzer-

land or Piedmont would have to resist Louis Napoleon, were he, Dalhousie-like, to attempt the annexation of either on the ground of internal misgovernment. How can we ever complain of either usurpation, if attempted, when we shall have crushed Oude under our heel? What sympathy can we justly bestow on Lombardy, on Poland, whilst in India we are following the example of their foreign oppressors? Nay, what respect can we claim for any existing order of society, what barrier can we honestly oppose to revolution, when, after revolutionizing, as I have shown, the whole internal state of Oude, we enforce our revolutionism by arms? The Oude insurrection, if we view it candidly, is really a *conservative* proceeding,—an attempt to defend old usages, old rights, old privileges, against foreign innovation. Or again, what is the meaning of our talk about the evangelization of India, whilst we are pursuing the reconquest of Oude? What will be the value of Christ's gospel to the Oude people at our hands, when the missionary comes only in the wake of the conqueror? How can they believe in a "law of liberty" which is proclaimed to them amidst the annihilation of their national life? How can they recognize a God of truth, when He is set forth to them by men who are cramming down their throats by sheer force what they feel to be a lie?*

But Oude, if left alone, must become a mere refuge of criminals, a den of robbers. I greatly doubt the fact; but what if it did? A greater statesman than Lord Dalhousie, Mountstuart Elphinstone, has assigned this as one of the very reasons why we should "preserve the allied Governments," and "keep up the number of independent Powers." "Their

* The *need* of introducing Christianity into Oude, I feel most strongly. "The Oude Brahmins," I read in a private letter from an Indian officer, "are known by other Brahmins for their attachment to and study of the mystic rites of Bhavanee or Kalee. These rites are held in abhorrence by Deckan Brahmins; they call them fearful and unholy, and those among them who have a knowledge of them are held in dread by the rest." If we make Christianity abhorrent to the men of Oude by our unjust subversion of their nationality, we shall only give greater power to this Devil-worship over their minds. Precisely because I long to see Christ's gospel triumph over it, I pray God that gospel may not have to be presented to them reeking as it were with the injustice of our policy.

territories," he says, "afford a refuge to all those whose habits of war, intrigue, or depredation make them incapable of remaining quiet in ours; and the contrast of our government has a favourable effect on our subjects." If internal anarchy did rise eventually to its height, what worse would happen than that, in another quarter-century perhaps, the coveted fruit would drop of itself, full-ripe, into our mouth?

But the tide of affairs has already turned in our favour; the villagers are bringing in supplies to Sir James Outram, the zemindars sending to him the silver fish, the token of their submission. I rejoice to hear it. The five millions of Oude have no chance against the British power, when once put forth; and the sooner they accept that fact the better. the more willing they are to treat, the more easy must [illegible] to treat with them. Their submission can only mak[illegible]ur duty plainer, by putting out of the way any point of honour about not seeming to give in. An obstinate fellow who has once floundered into a quarrel may fight it out rather than apologize, though he feel himself to be in the wrong; but if he have a spark of generosity in him, he will make amends to his opponent the moment he has him down, though, if he be himself twice the weight, I do not think any one will think the better of him for waiting till then. If we *are* in the wrong, as I believe, we can get no credit by fighting it out with these Rajpoots, whether they be obstinate or placable.

Does not the Afghanistan war afford us an apt lesson? We invaded the country in our folly; we withdrew from it in our wisdom. We suffered ourselves to be taught by disaster who was the fittest ruler of the Afghans; we restored a dethroned prisoner, and made of him a stanch ally. And thus it is that notwithstanding Ghuznee and Cabool, Jellalabad and Candahar, Afghans have enlisted under our standard in the hour of need, and have helped us to destroy the last vestige of the great Mussulman Empire of Delhi. Let the men of empty brains and seared consciences talk loudly about England's honour being engaged in not receding from the work of reconquest. The wisest man will always be he

who, having committed a blunder, seeks to make up for it as soon as possible after finding it out; and the next best thing to doing right is the undoing of whatever one has done wrong.

All we need surely is,—security for our own frontier, security for our own subjects in Oude, and (so far as we can make the demand henceforth without shame) security for some stable and moderately good government in the country. All this we shall be far better able to obtain by treating directly with the warlike Hindoo chiefs who have now the real power in their hands, than we have been hitherto in dealing with an effete and do-nothing royal race of Mussulmans. Of course the chiefs must give up Nana Sahib and all other notorious offenders; and I shall be much mistaken if they are not too glad to get rid of them. The frontier police must be provided for, a few forts may probably be claimed as pledges of good behaviour, and, if thought fit, the glorious Residency of Lucknow might be declared British ground for ever; the custody of the Cawnpore Road would, however, then need to remain with us. As respects the Royal Family of Oude, supposing their people not to desire their return, their case, when thus rejected by the people, would become that of private individuals; and a Select Committee of either House would then be the fittest tribunal to decide what compensation they are justly entitled to.*

I throw out these hints, merely as a sample of how the matter might possibly be dealt with, feeling sure, with the old adage, that "where there is a will there is a way." But there is one last point which must not be overlooked.

This is not the time, if anyhow it can be helped, to waste our national strength in distant wars. Our anti-slave-trade treaties with France may not be sufficient legally to stop the hardly disguised man-stealing of the Régis system; but

* Nothing can be more mischievous than to have thrown these Mussulman princes into contact with the present ruler of France. So long as they are resident in Paris, what "manœuvres" and "intelligences" (to use the Napoleonic jargon) may they not practise to our prejudice with the disaffected of India!

who can believe that Lord Palmerston, to whose energy the bulk of our slave-trade suppression treaties are due, would have endured such tampering with them as has taken place, if he had been in a condition to arrest it? Our criminal law may or may not be sufficient to reach conspiracies to murder persons out of the Queen's peace; it may or may not be expedient to alter it so as to include such offences. But can any reasonable man doubt that, had we still at hand the unrivalled fleet, the unrivalled army, of later Crimean days, neither would the French Government, amidst the yells of tolerated defiance of its colonels, have dared to press upon us such an alteration, nor would English Ministers have deferred in unseemly haste to their demand. We may boast as we please of the activity of our recruiting efforts (the success of which, however, the newly published Report on Army Mortality must tend to check); yet who that has seen in our streets the undergrown lads, scarcely fit for admittance to an adult night-school, whom the recruiting sergeant, by favour of the 5 feet 3 inches standard, now leads in his train, but will feel how near we must have reached to the outermost margin of our available human war-material? How many of these will ever see England again as ripened soldiers? Surely it is time in India to pacify, not to engage in new warfare. One distant war in China, with one-third of the human race, is already more than enough. The true honour of our country requires, not that we should impose by force the British rule on five millions of Hindoos whom we pretended to annex for their own good, simply because we were mistaken in doing so and are too proud to admit the blunder, but that we should be felt to be strong at home to repel every insult, to guard with jealous care the ark of European freedom committed to our trust, to deliberate with the coolest impartiality on every measure which may tend ever so slightly to curtail our glorious privilege, as the refuge from all political enmity or persecution. Let us "put our trust in God, and keep our powder dry;" let us not have, in the possible hour of need, to recall in hot haste our best troops, our one great general, from the other end of the world. That we may the better keep our

own land, let the men of Oude keep theirs. Fittingly, gracefully may the inauguration of the Queen's direct government be connected with the cessation of hostilities. Let the remembrance of our past blunders towards this unhappy people be blotted out with the *régime* itself which saw them committed. Let our Queen's name be blessed by Oude's rescued freemen, not cursed by Oude's conquered slaves.

THE END.

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Lately published,

BY THE SAME AUTHOR,

BRITISH INDIA,

ITS RACES AND ITS HISTORY,

CONSIDERED WITH REFERENCE TO THE MUTINIES OF

2 vols., post 8vo, 9*s.*

[The Author takes this opportunity of pointing out an error committed at p. 303, vol. ii., of the above Work, in speaking of the tobacco monopoly of Southern India as subsisting. It has been abolished.

But he must also point out that the India-house 'Memorandum of the Improvements in the Administration of India during the last Thirty Years' is equally in error when it states, p. 26, that the Mohturfa, or tax on trades, in the Madras Presidency, has been "swept away" since 1856. Whatever orders may have been issued to this effect, it was still in existence in November, 1857, and, owing to the state of Indian finance consequent upon the Mutinies, without any visible hope of relief from it.]

LAND IN INDIA:

WHOSE IS IT?

BEING A COMPARISON OF THE PRINCIPLES AT ISSUE.

BY

WM. MARTIN WOOD.

"Nearly all classes of the agriculturists of India of whom I have had any experience have been careful and thrifty people. As a rule the smaller proprietors are more so than the larger ones. But all, and in particular those of Hindoo lineage, who form the great majority, are remarkable for these qualities."—Sir JOHN LAWRENCE. "Dissents," July 5th, 1862.

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1862.

Inscribed by Permission

TO

THE RIGHT HON. LORD STANLEY, M.P.,

To whom belongs the honour and the responsibility of having originated the present controversy, and with whose name, together with that of the late Lord CANNING, will be associated the social and political regeneration of India, and the final justification of British rule in that country.

Lancaster, Nov. 24, 1862.

LAND IN INDIA: WHOSE IS IT?

CHAP. I.

Introductory and Historical Statement.

Nearly half a century has elapsed since the truly great historian of British India penned these words ;—" The Government of India lost an opportunity, than which a finer was never enjoyed, of accelerating the acquisition of riches, and hasten the growth of virtue, and decline of vice, in the great body of the people; when it declared the Zemindars, and not the ryots, the proprietors of the soil ; when it sought by coercive and artificial means to create that vast irregularity of fortunes of which the corruption of the great body of the people is the never failing result."

The object of quoting these words is not, by them to indicate any prejudgment of the question before us, but to call the attention of honest men of every class to the vast importance of the issues involved. Besides, the simple elements of the sentence quoted does not give an adequate idea, of the comprehensive details and somewhat complicated position in which the land question of India, is at present thrown before the public for their decision.

The difficulties which obscure the matter are easily overcome by anyone of ordinary intelligence and leisure, the responsibility of having an opinion on it, is one which cannot be shirked by anyone who has a sense of public duty, whether he be merely an elector or a Secretary of State. And the writer is not so anxious to enforce the opinion which examination has afforded him, as he is desirous of arousing attention, and of furnishing some assistance towards reducing confused details into definite principles, on which a decision may be given. This problem has been delayed,—as the English people are pleased to delay great questions,—but administrative necessities have now, combined with financial requirements and national self-respect, to require a decision. This decision must be given within a few days of the meeting of parliament.

It is a mark of imperfect political education to judge public questions by the names with which their discussion has been connected. Yet, if any will give us their attention on this score it is not to be refused, for they may come to forget the names in the vast importance of the subject itself. It will, however, be useful to consider the practical aspect of the matter under the names of the official men whose partial measures have definitely raised the present discussion. This controversy commenced with a "despatch" from Lord Stanley, then Secretary of State for India, bearing date December 31st, 1858. This despatch addressed to Lord Canning, was to draw his attention to the subject of the "Sale of Waste Lands," with a view to its promotion. This, as some say, was "intended to elicit information;" if this be so, ample time was taken to obtain it, for it was not until October, 1861, that Lord Canning issued his "resolutions," which primarily refer to the sale of Waste lands, but also include the kindred subjects of the land revenue, and its redemption. This is the second document before us: on the 12th March, 1862, Lord Canning was succeeded by Lord Elgin, but the closing act of the outgoing Viceroy was to urge forward a bill intended to give legal consistency to those resolutions, "and he expressed in his last earnest words for the good of India, the hope that those measures would speedily become law." * If the personal element is to be admitted into this matter, we may recall the character accorded to this lamented Governor, for his prudence and honest intention, and think this will afford a presumption that the measure from which he hoped so much, would be free from that "rashness" and "levity" which a certain important daily journal has attributed to it. From a careful perusal of those "resolutions" I can affirm that the spirit and intention which pervade them display in the most just proportions,—anxiety for the great body of the population, and a scrupulous regard to the interests of the State. But to resume our statement. The new Viceroy, from motives at present incomprehensible, referred this measure back to Sir C. Wood and the Indian Council at home; the result was that a paper of "instructions" was forwarded on the 21st July last, to Lord Elgin, which, though approving of some parts of Lord Canning's resolutions, yet virtually suspends and abrogates the measure in its entirety. These "instructions" form the third part of the statement now before the British public. Be it observed too, in passing, that Lord Canning had urged the preliminary application of persons desirous of purchasing Waste lands, and the general expectations of the people in India have been raised in this direction for many months.

There is another Parliamentary paper of the same date as Sir C. Wood's "instructions," which contains the "dissents" of

* *Times'* Calcutta correspondent.

the minority of the Indian Council. This includes the protest from Mr Mangles, who represents the traditional theory of the East India Company, viz., that the revenue from the land is the property of the State in trust for the whole inhabitants. *Now,* when that august body is no more, he strenuously advocates the logical consequence of that trust, an expenditure on works of public utility; but this is done with a *complacent oblivion* of the *gross misapplication* of those "resources of the state" under that "middle class" empire of which Mr Mangles was one of the rulers. This protest, however, is useful as a statement of one of the great difficulties which meets us on the threshold of the Indian land question. The word difficulty is used because the subject appears obscure to partial observation. It is fairer to regard this theory as one of the two great economic truths which stand with columnar aspect on each side of the temple in which may be revealed the secrets, under which the vast prosperity of our Indian empire must commence. If the British people are true to their political trust, there need be no practical limits to the great "victories of peace" which there await them.

The present contribution to this end is an attempt to assess the relative practical advantages which belong to each division of the question of property in land. The question may thus be stated:—Should the original powers of the soil, and its inherent capability of increase, belong to the State; or should it on equitable conditions be relegated to individuals and then left to the full power of private disposal? On the opposing claims of these two principles hang the momentous issues of the present controversy. Nearly every one of the technical details which puzzle the mere newspaper reader are referable to one or other of these elementary principles. Both cannot be true, yet it is probable they are not incapable of some practical assimilation, at least what shall appear as such, though it is an adjustment which results from the consideration of a third principle—that of equitable taxation. But this can only be done by a stronger emphasis being placed upon that potential word "equitable," and there will need throughout the inquiry a far more lively estimation of justice than, we regret to remark, is usual in British politics.

One obstacle to the successful discussion of Indian affairs, is the undue importance attached by some to residence in India. The experience so gained may be vivid, but it is not necessarily just or comprehensive, and it has an evident tendency to elevate the importance of details at the expense of principles. Lest, in the statement of the matter, the writer should be exposed to this depreciating criticism we will quote from Mill's British India, his judicious estimate of each principle. "The Hindu mode of raising the revenue of the State wholly, or almost wholly, by taking as much as necessary of the rent of the land, while it is the obvious expedient which presents itself to the *rudest minds,*

has no incontestable recommendation from science itself. Previous to allotment, the productive powers of the soil are the joint property of the community; and hence are a fund peculiarly adapted to the joint or common purposes and demands * * * * * * But as the expense required for the service of the government only exceeds a very small portion of the rent of the land, unless where the quantity is very minute, the *greatest possible benefit is derived from the productive powers of the soil when it is the property of individuals.*"

Persons of ordinary information need only be reminded, that on the former principle every successive government of India has acted. From the remotest historic period of Menu the governing power has been acknowledged as the proprietor of the soil. The Mahomedan conquerors maintained the system,—as the reports of Mr Thackwray and other servants of the company assert,—with increased exactions upon the defenceless ryots. Mr. Mill disputes this, and states that the Hindu sovereigns who escaped conquest, knew of no limits except the inability of the ryots to pay more. The Persian title of Zemindar was introduced by the Mussulman conquerors. This was applied to the collectors of the land revenue, who were for its collection responsible to the government, and were in return entrusted with judicial and semi military powers by which they enforced the contributions of the cultivators of the soil. We will afterwards refer to the proportions of this produce exacted. It should, however, be remarked that the consuetudinary right of occupancy became a permanent possession for the ryot, and so long as he paid the rent or tax he was at liberty to dispose of or bequeath the occupancy. Thus Mr. Mill admits, that " after the deduction of what is legitimately due for the purposes of the State all that is valuable in the soil belongs to the Indian husbandman." Let us then in every step of this enquiry have a sacred regard to the interests of the patient, enduring, and long oppressed cultivator.

The East Indian Company came into this primitive system of land tenures with all its complication. We need not dwell on the means by which this sway was obtained. It is only necessay to observe that though they overthrew princes and appointed their own Zemindars they seldom directly interfered with the rights of occupancy possessed by the ryots: although they too often left him to the merciless exactions of their collectors and farmers of revenue.

The original proportion of the produce of the soil which was demanded under the laws of Menu was very small; only one sixth of the annual produce, though one fourth was permitted in case of war and invasion. As Mr. Mill says, it is very evident that had this proportion been kept to, in a country so profusely fertile as India, the ryots would have acquired property and rank; that they have not done this, is evidence that they have been subjected to ever increasing exactions. This matter might

be tested by its ancient form of proportion. Will Sir C. Wood,—or Mr Mangles especially,—consent to fix the future land-tax at the original one sixth of the produce, with an allowance in favour of barren or recently reclaimed soil? No, we cannot believe in the *justice* of the claim for land revenue based on the ancient laws of India, for the *amount* would not satisfy the *inordinate demands* of our modern government. Then, on the other hand, there has never yet been shown any disposition to provide that equivalent for the rights of a landlord by expenditure of this rent on works of public utility. It is true that Mr. Mangles, in his "Dissent," speaks of "railways, roads, works of irrigation, and the like;" but these he omits to remind us the East India Company did not construct, though he is now so anxious to provide them for India, that he would oppose the very means which would give funds for the purpose.

Let us put it, however, in ordinary economic language, in order to see more clearly what it is that is contended for by those who oppose the measures of Lord Stanley and Lord Canning. The products of soil are necessarily divisible into these three portions—the wages of the labourer,—the profits of the farmer, including the interest in his stock and implements; and finally the portion which represents the inherent power of the soil—the rent. Now it is for control over this last named portion of production that the present Secretary of State and the majority of his Council contend. And a daily journal (one of honest character) is so enamoured of the abstract scientific truth of this proposal to take the whole of the "perdurable value" of the land, that it can charge Lord Canning with "rashness" and "levity," when, after a delay of nearly three years, he proceeds to carry out Lord Stanley's desire to lay the fonndation of private property in land.

But let me ask for what purpose is this unlimited fund to be appropriated? Does anyone pretend that it will be, or ought to be, absorbed by the just purposes of government in India? The late Company drew the surplus for the private advantage of its members, and some, as Mr. Mangles for instance, still derive their income from that source. It is true that gentleman draws us a picture of a financial millennium, which might be proclaimed by the strict retention of the Indian land tax. But is it not trifling with a great public question thus to suggest advantages which it is impossible to realise? Coming too from the representative of a government whose financial glory was the inhuman tax on salt, such tardy proposals of a beneficient system are apt to suggest invidious comparisons. If we are to have advanced the "conclusive arguments" of Mr. James Mill for the "rent of land being considered the property of the government," let us also have that wise writer's conclusions carried to their ultimate purpose. Would Mr. Mill speak with any tolerance of a landlord government which, in five years ending

1858, had not spent more than half a million on useful public works? Or would he have allowed his scientific argument to be applied to the principle of raising a revenue which, "out of a sum of £300,000,000, in the corresponding period of 14 years there had only been spent £1.400,000 on those public works,—about 1d. in the pound on the income?" * Again, how will the lavish and reckless expenditure of the Indian government bear comparison for a moment with this principle, which we quote from Mr. Mill, "without *violating its obligations* to the public, a government cannot spend any sum beyond what is *strictly necessary* for the performance of the services it is destined to render."

No, this argument for the rent of the land bearing the whole burdens of the State proves too much. Is the expense of governing a country to absorb the entire net income from its whole national products? And if the rent of land is to do this, why have these other imposts been maintained—the oppressive exci[illegible] on salt, the degrading revenue from the opium trade? A[illegible]hat are the items of this profligate expenditure, and in wh[illegible] it to be expended in future? Mr. Mangles in these "D[illegible]ts" gives an intimation of "roads and irrigation" being *now* [illegible]e planned for India; and yet he admitted before the committee of the House of Commons on cotton cultivation in India that those facilities had *not been provided,* although he confessed that it was the duty of such a government to provide them. The fact is, that the *military and official expenditure* of India has swallowed up not only all the taxation which could be placed upon an impoverished people, but the *whole agricultural rental besides,* and this last we are asked to guarantee in perpetuity on "behalf of the rights and interests of the many."

It is refreshing to hear these sentiments from Indian directors, and undoubtedly true that the good of the governed, even that of the poorest class, is an element in the stability of the ruling power; but it is not from such sources that men generally look for spontanteous and voluntary efforts "for the rights and interest of the many." Still less can we consent to resign this trust in such a matter, which affects the disposal of the rental of a whole continent, to a government which has only lately come under the check of popular control, and which parades its indifference to imperial public considerations. Were there any political "virtue extant" in the British people at least a dozen men could be found of resolute public spirit, who should go to India with a determination which no sinister influences could affect, and who, on behalf of "the rights and interests of the many," would inaugurate a new epoch of Indian progress. This new era might, by the justice and merciful rule which would elevate the defenceless native race, soon eclipse the gross material fame which associates such questionable glory round the conquest and exactions of the "middle class" English government of Hindustan.

* "Be just to India:" by H. Ashworth, Esq.

CHAPTER II.

Detailed Explanations of the Principles at Issue.

Some of the motives and intentions that have prompted the "Despatch" of Lord Stanley and the "Resolutions" of Lord Canning, may be similar to those attributed to the "enlightened and generous policy" which actuated Lord Cornwallis in the measures for the permanent settlement of Bengal in 1791. But a comparison of the methods taken to carry out those designs, will effectually show the essential difference between the present proposals and those which formed the basis of the disastrous measure of 1791-3. It will besides serve to illustrate, what may still be to some, the perplexing subject of land tenures in India. Lord Cornwallis resolved to create on behalf of individuals a property in the soil. He found the Zemindars in the apparent position of an aristocracy. Under the Mogul government, they had become the executive, and they received all the rents from the subordinate grades of the population. So partial was the knowledge of the true position of those Zemindars, both on the part of Lord Cornwallis and the Government at home, that they were assumed to be the landed proprietors of the country occupying the position of our own territorial aristocracy, who receive the rents of their land as private property. It was overlooked by the Indian authorities that the Zemindars did not *retain* the rent which they received, but paid, after deducting the expenses for collection—the larger part to the Government as land *tax*. In this word lay the deception, and with partially informed persons it is still deceptive. The English Government confounded this—the total net produce of the land—with the paltry proportion which is paid, as land tax, by the owners of land in this country. There was a further cause for this huge mistake on the part of the Anglo-Indian Government. "The English were under prejudices in the mode of carrying their design into execution. Full of the aristocratical ideas of modern Europe, the aristocratical person at the head of the Government, avowed his intention of establishing an aristocracy, upon the European model."* This will allow us in passing to allude to the inherent differences between the ancient Asiatic system of retention of the land,—the feudal grants of land from a conqueror,—and the private property in land based on actual purchase. It is this last with which the transfer of land in modern English society has familiarised us; it has always been acted upon in our colonies,† and it is this which Lord Stanley and Lord Canning have wished to introduce to India.

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* Mill's British India, vol. 5, p. 408.

† Also in Ceylon with the best results.

We subjoin a figure which may assist in the apprehension of those abstract divisions of landed produce referred to on page 7 and the text following this

DIAGRAM,*

SHOWING DISPOSITION OF TOTAL LAND PRODUCE UNDER THREE SYSTEMS.

ASIATIC—BENGAL, 1791.

RENT.			PROFITS AND WAGES
The State.	Zemindars.	Khuttadars, and other Middle Men.	Ryots.
Permanent Settled Land Revenue.	No just right, except for Collection	For advances on Seeds, &c.	Food, Clothing, and keep of Bullocks.

FEUDAL EUROPE.—ENGLAND.

[illegible]l	RENT.	PROFITS.	WAGES.
The [illegible] ..	Hereditary Landholders	Farmers.	Labourers.
Land Tax, commuted for Feudal Service in 1688-9: and Tithes.	Private Wealth, and Renewal of some Farm Buildings.	For Management and Interest of Buildings.	Food, Clothing.

PRIVATE PROPRIETORSHIP, AS UNDER LORD CANNING'S RESOLUTIONS.

RENT.	PROFITS.	WAGES.
European Settlers, and Na-	tive Capitalists (of all sizes) Receiving return for outlay, and for management	Ryots' Food, Clothing.
Paying a Land and	other Imperial Taxes.	Leaving them opportunity also to cultivate small holdings

* Intended as an approximate illustration; not as a strictly accurate scale.

1. In the former of these cases, though hereditary occupancy existed, the extent of the demands of the State were undetermined, and as we learn, were generally pushed to the impoverishment of the cultivator, the British rule being no exception to this.

2. In the second case, as engrafted on the Bengal system, the Zemindar had every inducement to extort the utmost from the unfortunate cultivator. As it happened, however, the result was singular; owing to the cumbrous system of law introduced by the English, the new barons could not obtain redress from their hereditary tenants the ryots, but were themselves exposed to a summary process from the Government. The result of this was the complete ruin of the Zemindars, who had been set up in

obedience to the "abstract theory" of a feudal aristocracy. In 1796, it is calculated that one-tenth of the whole three provinces of Bengal, Bahar, and Orissa were put up for sale. The lands passed into the proprietorship of money-lenders and Calcutta traders. But the ryot still remained to the tender mercies of any new proprietor to whom purchase had transferred him. In the case of the feudal lord of modern Europe, by the possession of political power (which the Zemindar had not) he succeeded in throwing the great bulk of the taxation on to the rest of the people, while by tenancy at will he contrived to keep the cultivators in social subjection, and checked those energies which under a more liberal tenure would have been devoted to the improvement of the land in this country.

3. Putting aside for the moment the *doctrinaire* view of the community of interest in land, let us consider the admitted advantages which attach to a properly founded system of proprietorship. By this we exclude the ownership based on grants from conquerors, and all proprietorships which are manifestly of such extent as to preclude their due administration. It is mainly to ownership by *fair purchase* or *authorised reclamation*, that we refer. This includes two of the three measures proposed by Lord Canning, the third that of the "permanent settlement" being the same in principle though not in form. We have the authority of Mr. Mill quoted *p.* 7, that this disposition of landed property ensures the greatest production that the soil is capable of giving. There is an occult influence in the fact of proprietorship which nerves the arm of the cultivator with new force, and before which the desert is speedily transformed into a garden. To know that so long as he pays all just demands upon him, that all the increased value he can give to the soil will be his and his children's,—will excite to exertions which are incredible to those who have lived under the chronic fear of increased settlements and new assessments. And this influence be it remarked, is often the most striking in proportion to the smallness of the estate. To take an illustration from the emancipated negro of Jamaica, who has been pointed to as belonging to the same indolent lifeless category as the ryot of the East. Under the facility of acquiring small plots of land the free negroes of Jamaica have become comfortable proprietors, and produce large quantities of sugar for exportation, whilst the unmanageable estates of their former absentee masters have gone back to ruin.* Can anyone doubt for a moment that the zest of proprietorship would speedily work an economical revolution and promote social changes of the most cheering character. The Zemindar, who had purchased his estate, would be bound to the government with all his influence, and in many parts the ryot would be able to transform himself to an independent yeoman,

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* Underhill's Jamaica.

and gradually emerge from the abject fears which generations of oppressors have bequeathed to him.* A very strong support to these views may be gained from the "Opinion" recorded by Sir J. Lawrence, which is included with the "Dissents" to Sir C. Wood's "Instructions." It is the more valuable, as although Sir John deprecates on financial grounds the redemption of the land tax and also the low rate fixed for Waste Lands, he supports the proposed permanent settlement, and on grounds which tell with force in favour of native proprietorship in land. He is one of a class of men who, if placed on that position of influence for which he is adapted, would confer lasting renown on our future government of India. It is principally of the North West Provinces that he is speaking. Par. 12.:—

> It is on the well being and contentment of the people of the soil that peace and order in India mainly depend. They are the sinews and marrow of the physical power of the country, and no policy which does not tend to the improvement of their condition, will in the long run, pro[illegible]dvantageous to our rule. Par. 15. * * * It is also very + de[illegible]e that facilities should exist for the gradual growth of a middle cla[illegible] India connected with the land, without dispersing the present yeo[illegible]nd peasant proprietors. * * * * * Feelings of race and religi[illegible]ave great influence on the people of India; but love for their land has still greater. Thousands, probably millions, of the people of Northern India, the most warlike of its races, are descended from ancestors who gave up their religion to preserve their land. It is in the contentment of the agriculturists, who form the the real physical power in the country, that the security of British rule, to a large extent, depends. If they are prosperous the military force may be small, but not otherwise.

This extract is a valuable condensation of many social and political facts relating to India.

To recur once more to the Cornwallis settlement of 1791-3 in order to illustrate the class to be kept in view and the materials with which the proposed measures will have to deal. The great mistake in the sacrifice of land revenue which was then made consisted in the class to whom it was given. "Next after the sovereign the immediate cultivators had by far the greatest portion of interest in the soil; for the rights, such as they were, of the Zemindars a complete compensation might have been made." ‡ We are anxious to keep this in view, that it is to the *immediate cultivator* that this measure should extend if his means will allow him to avail himself of it. It is evident, alike to reason and experience, that "it is the man of small possessions who feels most sensibly the benefit of petty acquisitions; and is stimulated most powerfully to use the means of procuring them."§ Although Lord Canning's "Resolutions," fully and anxiously

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* "The Khodkast and Khuddumee ryots."—See minutes of Landholders and Commercial Association.

+ This admitted by Sir C. Wood in his "instructions," Par. 48.

‡ Mill's British India. § Ibid.

allude to the "long existing rights, which sometimes in a rude, sometimes in a complicated form, are possessed by * many of the humblest occupants of the soil in India," he has not included any special provisions for offering such *small lots* as meet the requirements of this class, who must form the basis of the future Indian prosperity. He knows that they may obtain them by retail purchase, but in a case like this, the State might gracefully have stooped to their necessities. Is it not once more that we have, though in a modified form, such a golden opportunity as the historian laments was lost in the setlement of 1791? "The motives for improvement, and of which the power was so justly appreciated * * * might have been bestowed upon those from whom alone, in every country, the principal improvements in agriculture must be derived,—the immediate cultivators of the soil; and a measure worthy to be ranked amongst the *noblest that ever were taken for the improvement of any country*, might have helped to compensate the people of India for the miseries of the misgovernment which they had long endured." † Let us in the discussion on this subject give every weight to this plea for the "immediate cultivator," and then we shall not hesitate to place, that policy which Lord Stanley has inaugurated and which Lord Canning promoted—in the high category, to which the impartial historian alludes. And this is the policy which it is said that Sir C. Wood and the Indian Council have endeavoured to frustrate.

CHAPTER III.

Comparison of the Measures of Lords Stanley and Canning—and Sir C. Wood's obstructive "Instructions."

In order to estimate the judgment of Lord Canning in carrying out the principles we have advanced we would refer to *the text* of his "Resolutions." Persons of ordinary information on Indian matters will be able to form an opinion from their perusal. ‡ It is requisite, however, to refer to the mode in which those "Resolutions" are superseded by Sir C. Wood's "Instructions," so that the public may understand where the obstructions to Indian progress are to be found.

These "Resolutions," are directed to two of three divisions of the great subject—the Sale of Waste Lands and the Redemption of the Land Tax. The third measure to which we have referred, that of the Permanent Settlement of the Land Revenue, involves the same principle of surrender by the Government of the future increase of rent. This is allowed by the terms of Sir

* Par. 6.

† Mill's British India.

‡ They have been re-printed at Calcutta for the "Landholders' and Commercial Association for India," and may be obtained from their Committee in London, also from the Cotton Supply Association, Manchester.

C. Wood's "Instructions," subject, however, to the fatal delay of reassessments and universal revision. This document of the Indian Council, which extends to 77 paragraphs, is an excellent illustration of prolix and ostentatious deference to public opinion and discussion. For a large portion of general readers this document effectually disguises the reactionary policy that it dare not openly avow. * We will now endeavour to present a concise statement of the proposals and the special objections urged.

1. "THE SALE OF (UNCLAIMED) WASTE LANDS in perpetuity discharged from all prospective demand on account of Land Revenue."

Speaking broadly, this measure is the grand charter for the introduction of independent Europeans as settlers; a policy which, having always received the constant and strenuous opposition of the Company's servants, we need not wonder that it should be met by the veto of the Indian Council. Sir Charles Wo[illegible]'s objections are plausible. He objects to the uniform price of [illegible] rupees for uncleared, and 5 rupees per acre for cleared land, an[illegible]okes the resolution 29, which had affixed that price, and dire[illegible] instead that a different price shall be fixed by the valuation of th[illegible] respective Governors. The answer to this is, that such a detailed estimate is utterly impracticable, and would effectually delay the experiments of European settlers until their efforts were useless. We further reply that the price named is similar to that in America and in our own Colonies, where facilities of communication do exist;—inducement is required in India for capitalists to invest, and to banter for a maximum price with the pioneers of a new and laborious enterprise is to reduce a statesman to the †rank of a pedlar; it is a policy unthrifty as it is shortsighted. Besides. Lord Canning's resolutions do make special reservations of portions of land which may be required for public and municipal purposes, and the price now proposed is also limited for a term of 5 years from January last, after which it can be advanced.

Sir C. Wood orders that the lands shall be put up for auction. To this it has been ‡ well objected that many persons in some parts of India have already cultivated waste land, which, if application be forbidden, may be bought over their heads by some wealthy neighbour and they thus lose their industrial outlay. Again, Lord Canning's restrictions have anticipated this objection as in (res. 30) he provides that in case of more than one applicant, the land shall then be offered by auction. How Sir Charles and his Council would propose to sell anything by *auction* (par 10) with-

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* A carefully prepared answer to these "Instructions," is comprised in a Petition or "Letter," dated August 20th, from W. F. Fergusson, Esq., the Agent to the Association named before.

† The principle of uniformity of price obtains in Ceylon.

‡ Letter: W. F. Fergusson, Esq.

out more than *one* applicant, we can only settle by referring the reader to the oracle of No. 85, Fleet-street. Supposing that the utmost uncertainty as to *price* of land might not suffice to bar all intending settlers, the Indian Council hit upon a choice method of further delay. Lord Canning resolves (25) that immediate possession should be given on receipt of the cost of survey, and he is careful to urge that "no time need be lost on that account" and that the survey need not be more than is required to define rights and boundaries. Sir Charles Wood objects to this common sense proposal, and orders that a completed survey shall first be made, and then a lengthened period of elaborate advertising for prior claimants shall be allowed. This (par 11) is an illustration of the absurd extent to which control of details is maintained by our Indian administration at home. For an answer to this it is sufficient to say that surveyors could not be found to do the work in the present state of India. If the Council determine to forbid the clearance of waste lands for so many years, it would have been better to say so, than thus by a crotchet of "mere detail" to shelve and frustrate the p[illegible]ic design of the late Viceroy.

Lord Canning's sincere and scrupulous regard for t[illegible] most partially defined rights of occupants has already * been referred to, but resolution 4, which makes reference to the half civilised tribes of the distant and hilly district is worthy of more serious attention. There are no interests involved here in the commercial aspect of the word but there are "rights" which the civilised world has too often ignored; we refer to aboriginal claims,—Lord Canning hopes that "harmony of interests may arise" between European settlers and these unnamed borderers. It was evidently beyond his limits to attempt the adjustment of a mere indefinite contingency, and we have no doubt he would have endeavoured to prevent any uncompensated encroachment. Still we were not prepared to find Sir Charles Wood and the Indian government venturing to read a lecture on the rights of Aborigines. We live to see great changes when the representatives of a Government whose subjections and annexations have exceeded any other in the civilised world, can thus persuasively allude to these long forgotten claims, and even point their moral by a reference to the "recent unhappy occurrences in New Zealand." However, let the truth be urged by whom it will, our pen should not support any settlers whatever, who are not prepared to acknowledge and compensate the most nomadic native tribe whose lands should be used.

Yet Sir Charles Wood must not be allowed to strain the reference to these remote and exceptional claims so as to lead the people in this country to fancy that the waste land of India is like some of the commons and moors in this country, joined or

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* Page 13.

partially surrounded by proprietors who could claim for them. It will suffice to recall the fact that not more *than one third of British India is cultivated* and the rest *waste* in the most emphatic sense of the term. This waste is also in the largest proportions in the hilly district where cotton and tea might be grown by European settlers and where extensive flocks of sheep might be kept.

Apparently a more practical obstruction is raised on the legal difficulty that the Indian Courts might overrule the new grants of land in favour of former occupants. This is another illustration ot the meddling and litigious course taken by the Indian Council. We need only refer to resolution 57, the last of Lord Canning's, to show,—that he was quite aware that a legislative enactment would be needed to give a legal title, and as we have named before this was the closing effort of his labours in India. Says one who was present "The last words which I heard him utter two hours before he ceased to be Governor General were to exp[illegible]s a hope that the *bill which he introduced* into the legislature on [illegible] subject would be *passed soon*, and as little *changed as* * *p[illegible]e.*" Those were the Viceroy's words in March last; in July [illegible]r prosy Indian Secretary, must forsooth, call the attention of the new Viceroy to an omission which did not exist.

2.—As to the redemption of the Land Revenue.

So far as Sir C. Wood's objections to this measure are based on the claim of the State to the increased productiveness of the land, we reply elsewhere. But it is to be noted that such abstract objections also apply to the Permanent Settlement which the Council appear to approve, and in favour of which Sir John Lawrence's "Opinion" † is so forcibly urged. There is, however, this to be said in favour of the Redemption of Land Revenue as proposed by Lord Canning; in this measure the State has the advantage in the interest from a present payment instead of a series of instalments, and it terminates for ever the expenses and annoyances of collection.

Here we come upon that secret force which these land reforms will evoke; take away all fear of the unforeseen exactions of the State, and the proprietor, especially the small native holder, will exert every energy upon that which is absolutely his own, and the land will teem with that inexhaustible profusion its Creator intended it to display. So anxious, however, are the Indian Council to frustrate this emancipation of the soil that Sir C. Wood brings forward two precisely antagonistic objections. He thinks that the rate of interest being so much higher than that represented by the land revenue the people will decline to apply money for the latter purpose. Then on the other hand (par. 39) he fears if the measure were accepted the Government would be embarrassed by funds! To the first we may reply by a reference to Sir J.

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* *Times*' Correspondent. † See Dissents.

Lawrence's testimony to the fanatical attachment of the native to his land, and in any part of India we may rest assured, let him see a prospect of absolute ownership, no rate of interest that can be offered will tempt him from the prized possession; while as regards the immediate urgent need for organised European settlement, no such considerations will weigh for an instant. Security and simplicity of tenure of the land in India represents for individuals or proprietary companies, an investment with which no money speculations can ever compete. As to the painful plethora of capitalised revenue that our old Indians dread, they might be left to make the best of such a distressing possiblity. Only the mention of such a possibility calls for this obvious suggestion. Could not some means be devised to bind our future Indian Government to apply these national funds to those mighty public works of commercial and social utility of which *now* Mr. Mangles can talk but which the Company would never have performed? And further, if we could hope for a Government which could be entrusted with that which we freely admi[illegible] the property of the whole PEOPLE, could not this ever increasi[illegible]nd fund be applied to a comprehensive banking organisati[illegible]hich might by liberal rules furnish a material guarantee for th[illegible]uture civilisation of India. *

The objection as to the limitation by Lord Canning of the redemption to 10 per cent. is another trivial criticism upon what had already been considered, while the whole tenour of Lord Canning's "Resolutions" on this point are conspicuous for their careful regard to the interests of the State; and in Res. 40 he provides that the limit may be extended at the discretion of the Governor-General. So it is, on nearly every point we find, that the "Instructions" are readily answered by recurrence to the "Resolutions" they were intended to supersede. Yet again, on behalf of the smaller applicant, we are as anxious as Sir C. Wood can be that every facility shall be afforded for their purchasing. We consider that every symptom of such conservative desires in this class for social independence should be welcomed by a government which now represents the rule of our Queen.

The most tangible objection of the Indian Secretary is that based on the inequality of the present assessment. He fears that those lands which are lightly assessed will be purchased first, and that other holders will expect to have their assessments reduced in order to redeem. Thus difficulties are raised in

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*** We have treated this spectre of an encumbrance of funds with more consideration than it deserves; in sight of the 100 millions of the Indian Debt, such an objection is puerile. Besides, it is one of the very strongest arguments for the redemption of the land revenue, as was long since urged with great force by G. Norton, Esq., Sub-Advocate General of Madras. His calculation is, that by the sale of one-fourth of the fee simple the whole debt would be extinguished. Sir Charles, with the most hopeful view of the operation of Lord Canning's measure, need not fear to see that happy day for India.**

imagination in addition to those natural hindrances which a wise and vigorous adminstration will brush away with ease. We quite believe with Sir Charles, that the *cheapest lots will be first applied for.* And it does not require a genius to suppose that those portions of land which have been longest under cultivation and have had most spent upon them already, will be the first redeemed. This is the natural order of things, but Sir C. Wood's proposition for auction sale would tend to reverse and confuse this healthy action, and perhaps introduce a grasping and speculative element into the new order of things, which might discredit the beneficent intentions of Lords Stanley and Canning. Instead of a difficulty let us suggest as a possibility,—bearing in mind only one-tenth is offered by the resolutions—that the remainder of the already settled land will inevitably be increased in value by the partial liberation which is proposed * And is there to be no margin left for future prosperity, no inducement for enterprising men to dare the risks of a tropical climate or the equivocal protection of our yet half constituted Indian Government? But the device chosen to defeat Lord Canning's proposal is the ancient method of a plausible delay. Although Sir Charles quotes the expenses and difficulties of reassessment, he proposes that this shall be undertaken before redemption is permitted. Thus, again, a fatal procrastination would interpose, until some new calamity might deprive us of half the splendid region, which we have conquered, but not yet learned to govern and subdue to the side of civilisation. As to this revenue being easily collected we dispute the fact, when the two amounts are compared, — of what the ryot pays and the government receives, and that is the test. Again it is said that the expenses of government increase with the progress of society. If the question be estimated proportionately with the willingness and ability to pay, we deny the assertion. And we prefer the view of Colonel Baird Smith that social progress will make the task of the financier easier. But for one moment take these objections—1st, the tax has been easily gathered, and 2nd, expenditure must increase—have we not here the incidental confession of an extortionate and lavish tradition of government? The tax has been paid because it was the rent—the bread—the *life* of the attenuated cultivator; on the other hand expense must increase, because the practice has been to lavish *on the administrators* what ought to have been applied to the permanent improvement of the country.

These seem to us all the special objections urged by the Indian Secretary that we need notice, but there is one strong argument on on behalf of the State in favour of redemption of land revenue, in preference to that of a permanent settlement for which last Sir C. Wood has given, a grudging and injuriously qualified consent. We refer to the depreciation of metallic currency wnich is urged with

See Lord Canning's res. 40.

some force in Mr. Mangles' Dissent. It is evident, that if the Government can capitalise an income which may unavoidably deteriorate in its value, they are bound to do so, in deference to those profound obligations to the State, of which they make so much in opposing the remunerated surrender.

As we have intimated above, the concession of the principle of Permanent Settlement which the Indian Council have permitted in these "Instructions" is vitiated and discredited by the impracticable condition of a universal reassessment.

CHAPTER IV.

Practical action immediately required.

It cannot be hoped that in this limited compass a full discussion of this complicated controversy has been achieved. It is possible, however, that, having endeavoured to forget the painful discouragement induced by the history of this great question, and its [illegible]but hopeless delay, the writer may have done something to stimulate some one of greater influence and ability to attempt the splendid [illegible]nown which yet would follow the achievement of rendering the Government of India worthy of the better portion of the British nation. We have left no space, if the inclination were active, for expressing indignation against the men who, at various times, have resisted measures which would have now saved tens of thousands of brave enduring people from unparalleled social distress. The subject is too vast, the interests and the boundless issues involved are too serious for spending one's energy on the shifting personal aspects of such a theme. That portion may be safely left to the incidental criticism of the press.

Many men, though mistaken in some of their views, have the honour of just and humane motives which confer a lustre in their names—as Cornwallis, Thackwray, Shore, and Strachey in former times, and latterly Bentinck, Trevellyan, Canning, and Laing. But there is one negative impediment to Indian Reform which Mr. Mill noticed in his day, and which is visibly operative now. We refer to the undue and exaggerated estimate of Indian prosperity which is gained by those Englishmen who have been engaged in its government. Mr. Laing is no exception to this, though he is only tinged with it in a moderate degree. Yet we could not help but notice, in that gentleman's estimate of the recent advance of the dependency, that he attached such great importance to the temporary stimulus derived from the export of warlike stores, and that of the demoralising product—opium. The fact is, official men are strongly impressed with what comes under the observations of their senses, the returns of actual commerce and the immense sums involved in financial operations; but it requires study, extensive observation, and reflection, to realise a due conception of the incalculable possible riches which

only await for the advent of a wise and vigorous administration. In this view we may fairly say, that the prosperity over which Mr. Laing justly congratulated himself, is but paltry, compared with what ought to have been the result, even reckoning since the mutiny.

The redemption of the land of India has been urged in these pages without reference to any one interest in preference. The overwhelming significance of the question with regard to the vast interests which are now suffering so deeply and so *needlessly*, has often been urged by men who *have done all that unofficial men could do.* In a paper read before the Society of Arts, March, 1858 (mark the date), by H. Ashworth, Esq., that gentleman stated that "in the cotton manufactures there were 380,000 of our population identified with exports of 38 millions, whilst the 200 millions of population of India had been unable to export but little more than one third of the amount." Taking cotton alone the miserable figure of India is still more apparent. In 1860 the proportion of Indian cotton consumed in this country was but 7 per cent. in quantity and only 4½ per cent. in value of our whole consumption, and a large proportion was too poor for English manufacturers.* And the gentleman quoted above, whose opinion is carefully formed, states that "cotton may be grown in India for 1½d. per lb. on the spot, and as cheaply as hay or straw in this country." The "embarrassing funds" which would accrue to the Indian Exchequer from the result of Lord Canning's proposals would provide the most efficient means of bringing that cotton to the ports. Our task however is not with details, but with principles, and a short space must be reserved for the *doctrinaire* oppsition which has been advanced to Lord Canning's measure by a daily journal equally distinguished for ability and honesty of purpose. †

Now shall we discuss this question on the ground of abstract justice, or on that of practical benefit, including the interest of all? In either case we shall have to present a practical conclusion on which parliamentary action can be taken. Will the scientific journalist to whom I have alluded dare to assert, that by opposing the measures of Lord Stanley and Lord Canning, he can also ensure that the abstract truth of a community of interest in the soil, shall receive its logical "exploitation" in a just financial scheme? That as he is aware, would involve the enactment by our present parliament of Mr. Mangles' Utopian scheme of the abolition of *all customs and excise duties throughout British India.* The writer can appreciate such a possibility to the full as much as can the journalist in question. But would ten men, including Mr. Mangles himself, support such a measure in Parliament? No, such a financial Canaan belongs to the pigeon-hole of the economical *doctrinaire* and not to

* "Be just to India." By a member of the Cotton Supply Association.

† The *Daily News.*

the legislative chamber. What is required now is to reduce to practical beneficial result, the traditions of Hindoo laws, mythical in their chronology;—the customs of Mahomedan rulers,—the policy of unscrupulous European conquerors—and lastly, the sacred responsibility of the British people to the long-forgotten long-oppressed ryot of Hindostan. As Mill says "when the English government made the *zemindars* and not the *ryots* the proprietors of the soil they lost an opportunity which the world has scarcely ever seen." We do not deceive ourselves into the belief that such a Sybiline offer is now renewed. At no price could the scientific truth of community in land be faithfully adopted now. But we also believe, that being true and inexorably just, it ought to be acknowledged. Lord Canning's "Resolutions" do acknowledge this truth and embody its practicable inference by the faithful regard to the capitalisation of the present value of the land; and this it did not require Sir Charles Wood's prolix "Instructions" to reaffirm. For this future value this "perdurable increase" which the journalist is so anxious to retain, our answer is—that we sacrifice such future increase in deference to the q[illegible]ite truth involved.

This truth we will express in the language of a certai[illegible] distinguished writer who as an heretic to many orthodox canons in political economy, may be heard with more favour with regard to this second great principle which is involved in the boon of land proprietorship for India. Says Mr. Ruskin:—

"The first necessity of all economical government is to secure the unquestioned and unquestionable working of the great law of Property, that a man who works for a thing shall be allowed to get it, to keep it, and consume it, in peace; and that he who does not eat his cake to-day shall be seen, without grudging, to have his cake to-morrow. (Not as now like the Indian cultivator to have to surrender this "cake" to the ever recurring gripe of the State) This I say is the first point to be secured by social law; without this, no political advance, nay, no political existence, is in no way possible. Whatever evil, luxury, inequity, may seem to result from it, this is nevertheless the first of all Equities." *

I am conscious that this answer will not fit the theoretic niceties of this deeply interesting question; but our remaining answer is, that its just and only practical solution may be safely relegated to a future Indian financier. Let this principle be embodied in a provision for a *future tax* on income from landed property in India, a tax which *as such* may be equitable without bearing any appreciable proportion to the idea of a *rent*, but should be easily recognised as an insurance for social protection and legal security. And Lord Canning anticipates (par 5) that the inevitable result of the proposed redemption to the extent of one-tenth, will be to increase

* Fraser's Magazine, September. — "We might venture to ask Mr. Ruskin's attention to this Indian land question, in which he would find ample scope for his earnest views."

the remaining revenue from land. We are as little in favour as Mr. Mangles can be, of granting to landowners an immunity from a *just measure* of taxation, at the expense of the rest of the community, and we trust that no such social injustice is a necessary consequence of Indian Land Redemption. But the certain hope may be cherished that the future social position of India, if these beneficial measures pass, would be such, that the present difficulties of financial collection will scarcely be known.

One more objection must be met. This has been urged by a venerable politician whose extended observation and supreme sense of justice will raise his name far above the herd of more fortunate statesmen. He says, that the Anglo Indian government first obtained hold in India by agreeing to respect the natives' rights in their land, and to exclude European settlers. I can find no ground for this contract, in fact, it is a matter of history that the Indian Empire in Madras was founded by the daring genius of Clive being roused into [illegible]ction through the intrigues and ostentatious exploits of the "s[illegible]e and ambitious Dupleix." In Bengal it was accomplished thr[illegible] the revenge of the same unscrupulous soldier for the infamous deed[illegible] the Black Hole of Calcutta. The origin of our sway is also deeply indebted to the treachery of Meer Jaffier and the baseness of Clive in using the duplicity and unsatiable avarice of Omichund. There can be no basis for such an agreement *de facto*. But one might waive the necessity for even an implied contract; I have admitted, as it must be apparent in many pages, the unqualified and *sacred obligation the British Government* is under to the bona fide cultivators,—the *real owners of the soil* "whose interests" says Mill "are of more importance than those of all other classes put together." Can we trust these interests to the justice of an English parliament, which backed by the religious earnestness of a Christian nation, shall ensure the faithful administration of the Indian service? If any dependence can be placed on those elements we invoke the decision of parliament in favour of the measures of Lord Stanley and Lord Canning, and as a consequence the removal of Sir Charles Wood and the rebuke of Lord Elgin.

Finally, the unanswerable demand for Free Land in India is,—that it has already been proposed and all but carried out. For this India awaits confused and weary; whilst Lancashire demands it, patiently indeed, but also indignant so far as it is known, that the severity of the present fearful calamity is directly traceable to the combined inefficiency and selfishness of our past Indian Administrations.

NOTE.—Reference pp. 9 and 15.

In accepting the conclusions of Mr. Mill on the Cornwallis settlement of 1791-3, it is not intended to admit the slightest prejudice to the present holders of estates in Bengal. They are now *bona fide* proprietors like the land owners of this country. As such, they will of course

be subject to any financial plan which may be adopted. But with power to "Redeem" their present assessment, the inducement would then be irresistible for them to sub-divide their estates. This would, by a natural process, at once provide for every gradation of independent proprietorship. The estates are held on the tenure of a perpetual lease, and the "Resolutions" of Lord Canning would permit them to be transferred into fee simple; to the extent of one-tenth of the total revenue—although Sir C. Wood asserts that the permission if granted would become general.

RECAPITULATION.

1. Length of time the controversy has waited for solution, (dating from "Mills' British India" 1820);—and the present necessi' for parliamentary action, demand the attention of non-official perso that of an impartial public.

2. The measures of Lords Stanley and Canning affirm the principle of private proprietorship of land: Sir C. Wood and the old Indian officials maintain that the State is the owner of land.

3. State ownership, though defensible in the abstract, has never been faithfully administered by the Indian Government, and cannot now be reverted to; whilst private proprietorship has political and social arguments in its favour which outweigh all abstract considerations.

4. Sir C. Wood's policy of delay and officious obstruction requires a resolute rebuke from the public and Parliament.

5. The confused policy of the Indian civil service requires to be reformed by the maxims of English justice and by definite recognition of the rights of the many.

6. The principle of State ownership may be recognised indirectly by the purchase-money of land—payments for redemption—and by an equitable system of taxation, which shall affect the owners of land as a tax, and not as a *rent*.

7. A crisis in Indian affairs has occurred which is measured by expectation in India, and anxiety and misery in England.

E. AND J. L. MILNER, PRINTERS, CHURCH STREET, LANCASTER.

OBSERVATIONS

ON THE

PROPOSED COUNCIL OF INDI

LONDON:
WILLIAM PENNY, 57, LINCOLN'S-INN FIELDS.
1858.

OBSERVATIONS

THE PROPOSED COUNCIL OF INDIA.

THE House of Commons has virtually decided that the home administration of India shall be carried on by a Minister of the Crown with the assistance of a Council.

It is still to be determined in what manner the Council shall be composed.

The three principal leaders of sections in Parliament, have proposed as many different plans for the composition of the Council.

Lord Derby proposes that it should be partly nominated by the Minister, and partly elected by a constituency.

Lord Palmerston proposes that it should be wholly nominated by the Minister, and that each member should hold office for only six years, unless reappointed.

Lord John Russell proposes that it should be wholly nominated by the Minister, but that the members should hold office, like the judges, during good behaviour, that is, virtually for life.

Which of these is the preferable scheme?

The answer depends on whether it is intended that the

Council to be associated with the Minister, should be a check, or a screen. It will necessarily be either the one or the other.

If it is intended to be a screen, Lord Palmerston's plan deserves the preference. The Council should be selected by the Minister, and should be dependent on him for remaining in office.

But if it is to be anything else than a screen, independence must be secured to it. For this purpose it is best of all, that either every member of Council, or a preponderant majority, should be elected. But if nominated, then it ought not to be in the power of any Minister to remove them.

If any one thinks that it is a matter of small importance whether the Council is independent or not, he must think that it is of small consequence whether there is a Council or not. For it is better there should be no Council at all, than a sham Council.

But to suppose that the existence and the independence of the Council are of little importance, is to overlook all the essential circumstances of the case. The good government of India will entirely depend upon the Council. If India is well governed, it will be because the Council will be capable of well governing it: for the minister, as distinguished from the Council, usually will not.

All the requisites for the good government of India will be found in the Council, if rightly composed. None of the requisites are likely to be often found in the Minister to whom the tactics of party may transfer the Indian Department.

The members of Council may be, and are intended to be, chosen for their knowledge of India. The Minister is chosen because he has a Parliamentary position, either from his rank, or from his powers of speaking, which are more likely to have been exercised on any other subject whatever than on India.

The Minister, before he has had time to learn his business, is out of office. The Council may be, and ought to be, a permanent body.

Even while the Minister is in office, India will be one of the smallest of his concerns. The maintenance in power of the Ministry and the party to which he belongs, and the support of the general policy of the Ministry and of the party, will be at all times his principal objects. And these objects will not be much promoted by good government in India, nor much impeded by bad; because neither the English Parliament, nor the English public, will generally know anything either of the one or of the other.

There is one point in which the Minister's position is supposed to be more favourable to good government than the position of the Council; responsibility. But there cannot be a greater error. The sort of responsibility to which the Minister is subject, is no security at all for good government. The only way to make responsibility of any use, is to impose the responsibility on the Council.

The Council, in the first place, has nothing to do with the general business of the empire. It is concerned with India, and India only. All its thoughts must be given to India. All the credit it can hope for, must be derived from India only.

The Council, moreover, is or ought to be a permanent body. Its interest, then, is identified with the *permanent results* of the mode in which India is governed. Its estimation, its position in opinion, perhaps its tenure of office, depend on permanent results. This is not the case with the Minister. He will have ceased to be in office long before the permanent results of his policy can disclose themselves; and when they do disclose themselves, it will hardly be remembered, and perhaps will hardly be distinguishable, whether his acts, or those of his predecessors or successors, accountable for them.

The responsibility of the Minister, therefore, will not depend on the general results of his policy. He will seldom have either the credit of them if they are good, or the discredit if bad. What is called his responsibility to Parliament, will not be of the kind which would maintain him in well-doing. It will operate in a totally different manner. Its principal tendency will be, to make him afraid of doing anything which any person who has the ear of the House of Commons, opposes; or of opposing anything which any such person demands. His responsibility will not be to Parliament, but to a few speakers in Parliament. It will mean, liability to a debate in the House of Commons. To get rid of a debate, by every sort of concession, will be the course to which his responsibility will prompt him; for he will have no reason to expect that he will be the person to answer for the ultimate consequences of the concession. And on these occasions, it is always the people of India who will be sacrificed. The people of India have no means of interesting any one in standing up for them; while all who prey upon the

people of India have. It may be said, the Minister may be a man of principle; he may disregard these considerations, and follow his own conviction of right. But if he does so, it will not be in consequence of his responsibility. It will be in spite of his responsibility. It will be because he cares less for his responsibility than for his duty.

It is believed that an examination of several recent instances in which the responsibility for measures has been transferred from a Board out of Parliament, to a Minister in it, would show, that the result has been not to accelerate, but on the contrary, to arrest improvement. The permanent Boards were identified with the general success of the administration. The Minister is only responsible for being on good terms with all individuals and all interests powerful enough to give him trouble.

A LETTER

FROM

A LAYMAN IN INDIA,

ON THE

POLICY OF THE EAST INDIA COMPANY IN MATTERS OF RELIGION.

LONDON:
W. H. DALTON, BOOKSELLER TO THE QUEEN,
28, COCKSPUR STREET.
1858.

Price Sixpence.

THE

POLICY OF THE EAST INDIA COMPANY IN MATTERS OF RELIGION.

Calcutta, Dec. 23, 1857.

MY DEAR FRIEND,

I HAVE noticed in some of the newspapers an attempt to excuse the policy of the East India Company in matters of religion, and to create the impression that the expulsion of Dr. Judson from India, the treatment of the Serampore missionaries, and the dismissal of the converted Sepoy from the army in 1819, were merely illustrations of a byegone and exploded system, which has now no remaining influence. Even if this were the fact, the study of the past would not be unseasonable, for I am persuaded that not a little of our present sufferings must be regarded as the fruit of byegone sins. Can we suppose that the Judge of all the earth has looked with favour, or with indifference, on the long continued series of offences against His truth and His people which signalized all the early years of the East India Company's government? Look at the map of India, and consider the time when the

undaunted missionary Chamberlain first ventured up to Hurdwar, the famous gate of the Ganges, and preached the Gospel to the myriads who thronged there from all parts of India, and blush to remember that for that act he was seized by the Government, and sent down a prisoner, under a military guard, to Calcutta. Can we look at the endowment of Native shrines by professedly Christian officers; at the offerings presented in the name of Government; at the pertinacious adherence for so many years to the system of teaching in the Government colleges the errors of Hindu and Mahomedan history, science, and religion; at the records of private degradation in the Hindu tomb over one of our best known generals, and the tales of civilians heading the Mohurrum processions; and living in Native style,—and not tremble in apprehension of certain and terrible chastisements? But we are told that every thing of the kind is now altered, and that the whole spirit of the Government has changed. I should be sorry to indulge in any exaggerations, or to conceal the fact that great changes have occurred, or that many old things have passed away. But be it remembered that it was not till after a struggle in the British Parliament, that (in 1813) permission was obtained for the settlement of Missionaries in India; and that it was only in consequence of a similar struggle, that the first blow was struck (by Lord Glenelg's memorable despatch) at the connection of Government with idolatry, in its shrines and

festivals. There has been, however, an undoubted improvement in the tone of British society in India; and public opinion began to be increasingly felt in its controlling and animating influence, from the period of the liberation of the press by Sir C. Metcalfe. Still it is certain that the old leaven is working with considerable, though diminished, influence; and that the manifestations of it which past history affords, may at any moment be renewed, if the British people do not effectually suppress it. I wish therefore now to state some facts which will shew that serious evils still exist, that evidence has recently been afforded of the satisfactory policy of the Company's Government.

I conclude that attention at home has already been called to some of the *most* recent illustrations of our Government's real temper, such as the launch of a new Pilot brig under the heathen name of the Deva; the proclamation of a day of Humiliation ignoring Christianity, and inviting "all faithful subjects to join in an offering of prayer;" and the refusal to receive an address from the Kishnagur Native Christians, while addresses from the Hindus and Mahomedans were welcomed. It is a melancholy fact that up to the time of General Sir Henry Havelock's first telegraphic message attributing his success to the blessing of God, not a syllable had been published by Government from which it could be inferred that any God was acknowledged by it at all, save a brief message from our friend Henry Tucker of Benares,

who reverently referred the safety of that great city to the mercy of God. But I pass by these things, and will recapitulate as concisely as I can some facts known to you, and which I think should be known by all Christian men at home. For I much fear that unless some care be taken fully to inform the public mind, we shall see the present cry for a Christian policy in India pass away without any substantial result, just as the demand for administrative reform during the Crimean War, was speedily knocked by the appointment of General Anson to be Commander-in-Chief of the Indian army.

Do not be alarmed at my going back to the Company's Regulation, No. 39 of 1793, for it is in force, and has practical effect still. That Regulation recites, that "Cauzies (Cazis, the Mohammedan political and religious officers) are stationed at the cities of Patna, Dacca, and Moorshedabad, and the principal towns, and in the pergunnahs (districts) for the purpose of preparing and attesting deeds of transfer and other law papers, celebrating marriages, and *performing such religious duties or ceremonies* prescribed by the Mahomedan law, as have hitherto been discharged by them under the British Government;" and then in Section 4, it provides that "when the office of Cauzy in any pergunnah, city, or town, shall become vacant, the judge of the zillah, or city court, within whose jurisdiction the place may be situated, is immediately to report the vacancy to the Governor-General in Council, and recommend

such person as may appear to him best qualified for the succession, from his character and legal knowledge."

This Regulation extends to all Bengal, Behar, and the North-western Provinces, and is in force still. And not long before the present insurrection broke out, Mr. Robertson the excellent judge of Bareilly, who was murdered by Khan Bahadoor Khan, the treacherous Mahommedan law officer, was placed in a position of great difficulty from conscientious scruples on the occasion of a vacancy in the office of Cazi of his district. He felt painfully the obligation imposed on him to nominate a Mahommedan to an office which avowedly had religious duties; and I believe that he represented his difficulty, without any satisfactory result, to the Government.

It would be now a matter of curious inquiry, how many of these "cauzies" (paid and appointed by our so-called Christian government) have remained faithful, and have not instigated rebellion in our disturbed districts!

But I pass on to another Regulation, which has had a still wider influence, and which remains unrepealed in our Indian Statute book. It is the Bengal Regulation, No. 19 of 1810.

"Whereas considerable endowments have been granted in land, by the preceding governments of this country, and by individuals, for the support of Mosques, Hindoo Temples, Colleges, *and for*

other pious and beneficial purposes; and whereas there are grounds to suppose, that the produce of such lands is in many instances appropriated, contrary to the intentions of the donors,—*and whereas it is an important duty of every Government to provide that all such endowments be applied according to the real intent and will of the grantor,*—the general superintendence of all lands, granted for the support of Mosques, Hindoo Temples, Colleges, *and for other pious and beneficial purposes,*—is hereby vested in the Board of Revenue and Board of Commissioners, &c. *It shall be the duty of the Board of Revenue and Board of Commissioners to take care that all endowments made for the maintenance of establishments of the above description, be duly appropriated to the purpose for which they were destined by the government, or individual by whom such endowments were granted.*"

There is a similar Regulation in the Madras Code; and under both the collectors of the various districts were clothed with the trust of superintending the application of vast amounts of property to all kinds of idolatrous and superstitious purposes.

Lord Glenelg's Despatch gave the death-blow to this system, but it still lingers in life. The Regulations are still existing, and I know of at least one case (in Jyepore) where the Christian collector is guardian of a heathen shrine. It is not many years since a judge there, represented the case to Government, and requested that Hindu trustees might be

nominated and the trust made over to them; but in official language he was (in effect) desired to mind his own business.

But let us look at the Legislation of the present year. The Penal Code of the Law Commission, originally prepared by Mr. Macaulay, after about eighteen years of continuous deliberation, was read a second time in our Legislative Council here on the 3rd January of this present year, 1857. In the Chapter of Offences relating to Religion and Caste, there are the following clauses. "Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies,—shall be punished with imprisonment," which may extend to three years, or with fine, or to both. This is the wording which is not very distinct. It is plain enough, however, that whoever preaches at a Hindu or Mahomedan assembly, such as their festivals, where myriads congregate, might be punished under this clause.

Again, "Whoever, with the intention of wounding the feelings or insulting the religion of any person, commits any trespass on any place of sepulture, or any place set apart for the performance of funeral rites, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

This again is the exact wording. The meaning, however, is again plain enough. If you saw a party of Hindus carrying down a poor sick relative to the river side to murder him, and perform funeral ceremonies in the usual way, or a party of them engaged in a Suttee, you might not disturb them; and if you happened to walk across a Mahomedan place of interment, or sit down weary on a Mahomedan tomb, it would be a question if you had not a criminal "intention;" and *you are aware that Native Judges as well as Englishmen are to administer this law:* except in the case of civil servants, who are not to be amenable to their jurisdiction!

Further as to preaching. "Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

I send you herewith the petition of the Missionaries, which was presented on the 30th May last, against this legislation; and I leave you to judge of the animus of the Government that could propose such a measure, and contemplate its administration by Native Judges.

To my mind a fact not less significant was "the warning" given to the "Friend of India" under the

Press Act. The offensive sentence in the "Friend" was the expression of the hope, that a hundred years hence we might have "a respected Government and a Christian population." For saying that, the "Friend of India," notwithstanding all its services to Government, was warned that it was risking suppression!

But I have heard other things. Some strange despatches are said to have come out, on the subject of Education. Whatever panic there was here, as to the work of Missions, seems to have been felt last July and August in full force in Leadenhall Street and Cannon Row. It is no secret that a letter of Sir J. Melvill, Secretary to the East India Company, (sent undoubtedly with the sanction of the Board of Control), addressed to the Under Secretary-at-War, on the 12th August last, in reference to certain Roman Catholic priests and Presbyterian chaplains for the troops, ends in these words:

"*The gentlemen appointed to these duties should be specially warned against any interference with the religion of the Natives.*"

Perhaps Lord Panmure might be asked if he did so specially warn them? I hope and believe not.

But let us go back a little. It is a fact, which any Member of Parliament who would move for the papers might authenticate, that in 1846 or 1847, orders came out to Lord Hardinge, desiring him to inform all the civil and military servants of the

Company, that they must not connect themselves publicly with any Missionary undertaking. That order was communicated to the Sudder Court, and I know of one answer that was sent back. Lord Hardinge after that had the good sense to put the despatch aside altogether.

May I ask you to request some one in the House to insist upon the production of that despatch?

Then, again, there is a famous case which should be known at home, and which occurred in October, 348. There was a lad, aged fifteen, named Baba larang, who was in the Mission school at Kamptee, adjoining the city of Nagpore. He was convinced of the truth of Christianity, and was about to be baptized, when a great commotion was made by the Brahmins, who instigated the Rajah of Nagpore to demand that he should be delivered up, under the treaty which bound the British Government not to interfere with the Rajah's "*disaffected subjects.*" As such, the British Resident, Captain Ramsay, now Major Ramsay at Nepaul, demanded him from the Missionaries, who were compelled to surrender him. The poor lad was then cruelly treated, and was imprisoned 110 days. Of course there was no "disaffection," except his desire to be baptized. The case excited, as you may suppose, much attention at the time, and for some months afterwards; but Captain Ramsay was upheld by the Supreme Government, and the British Government did that in Nagpore, a petty dependent

state, which England would not do for the Emperor of the French in the case of Louis Blanc or Ledru Rollin. I leave you to consider this case. You will see it in the "Calcutta Christian Observer" for 1848 and 1849.

Still more recently: Mr. Graves, the respected Principal of one of the Government Colleges, was in the habit of receiving into his house on Sundays such of the young men as wished to come to read the Christian Scriptures in private. This was in Hooghly; I think in 1850. Complaint was made to the Council of Education, and the option was given Mr. Graves of discontinuing his practice or resigning his appointment.

And so in 1854, the Calcutta Bible Society's Committee requested permission of the Council of Education to place a copy of the Christian Scriptures, in English and the vernacular languages, in the library of each Government school and college. It was notorious that the Koran was there, and the Hindu Scriptures, (such as they are); but the Council said, that to receive the Bible Society's grant would be a breach of "neutrality," and it was declined. Ultimately one of the members proposed that the Christian Scriptures should be purchased for the libraries, but I know not if it was done.

Soon after came out Sir Charles Wood's despatch, (signed perforce by the Court of Directors), abolishing the Council of Education, and desiring that the

Professors might be at liberty to give private religious instruction, and that the Bible should be placed in every library.

Have I said enough to show that Christian people at home have abundant need to be watchful, and to see to it that we have here a Christian policy indeed? But what does a Christian policy mean? First of all, I think, the non-recognition of Caste in any form. Let it be treated simply as East Indian slavery has been treated. If men keep it up voluntarily among themselves, well; but let us have nothing whatever to do with it. And next, the non-recognition of Hindu and Mahomedan holidays. Seasons of recreation there should be in this climate; but it is a wicked thing to sanction such abominations as the Churruck and the Hooli Poojah. Then let all customs hostile to public morals and human life, such as the public swinging at the Churruck, and the Ghaut Murders, be summarily abolished. Let the Regulations I have quoted of 1793 and 1810, be repealed at once. And let the spirit of our Government be changed. Let us not have repetitions of Baba Padarang's case. Let us not (as now) teach the Mahomedans in the Madrissa the Arabic lore that puffs them up, and which is essentially part of their anti-social and anti-Christian religion. Let us help forward elementary education through the land. Let us do justice and love mercy, not grind and oppress the ryots as heretofore. And, as a means

to these ends, let us have a single and responsible government at home, not a double government with divided responsibility. And let us have fixed responsibility here, not a Governor-General with a Council, to whose shoulders blame may be shifted. Let us use the English language here in public proceedings; and adopt a natural, and rational, and simple system in our Courts of Law. Let English enterprise be encouraged, and monopoly and exclusiveness broken down. Let us have a free press. Above all, let the Church of Christ awake to her duties, and no longer trifle with Indian Missions by sending barely one man to each half million of the population.

I confess that I see much evil in prospect, as well as much ultimate good. We must cover a large part of the country with European, Seik, and savage Goorkha soldiers; there will be a famine in many districts; there will be terrible suffering in the hot season; the animosity of race against race will not soon be extinguished; and the day is distant when confidence and security will prevail.

Then, in Oude, is not our position most distressing? We annexed the country to deliver it, as we said, from a bad and ruinous government; and I am not one who disapproves of Lord Dalhousie's policy. The alterations that policy received at home are another matter. But the country was annexed under the express sanction of the Court of Directors,

and the English Cabinet. Three regiments had just before been taken away for the Russian war. With the annexation in prospect, they were not restored, and (as declared in the House of Lords) it was not intended to restore them till July 1857—fifteen months after the annexation! Lord Canning took charge immediately the annexation was completed, on the 1st March, 1856. He took no precaution whatever to secure the country. He would not disarm the people. He disbanded great numbers of troops (44,000, I believe); a portion of the King's army he incorporated with our own; and he did not dismantle a single fort. He introduced a Revenue Settlement, which was a universal confiscation to all the chief landed proprietors; and he sent swarms of our wretched Native Law Officers into the land, who introduced the trickery and the oppression of our Courts. Poor Sir Henry Lawrence was appointed Commissioner too late. He found everything in terrible confusion. Then came the mutiny. Like his brother, Sir John, he saw (as his published telegraphic messages show) the magnitude of the crisis at a glance. While the Government here talked of a passing cloud, he bid them send for Europeans from every possible quarter. Then came the siege of Lucknow. One of the chief and best civilians in the Upper Provinces begged the Government to let Havelock invite the aid of the Talookdars, by promising to revise the settlement. His proposition

was declared to be totally inadmissible. We have now the whole country in arms against us. The people have not been informed of our future intentions; they have received no explanation of our past conduct. We are sending Goorkha savages to lay waste and destroy, and we are on the eve of a war of extermination. And this is the improved and excellent government that was to reconcile the country to the annexation!

And as to the King of Oude and his Prime Minister. We have seized their country, kept them close prisoners for months, have taken possession of the Crown jewels, and seized many of the chief men of the land as state prisoners. Have we any evidence against the King? It is said not any. What, then, is our position? What will the people of England say? What will impartial history say? Will God bless this conduct?

But I conclude that these, and all other matters relating to India, will be investigated by Parliament. There is need enough! The statements made in both Houses last Session exhibit a surprising want of information even in our most able men. But many now, who are considering the effects of past neglect, have been roused to a sense of India's claims and their own responsibilities. May it please God to raise up for us Christian rulers—men fearing God and hating covetousness—who will faithfully and firmly maintain their own principles; whose

hearts are touched with sympathy for the poor, in their spiritual and temporal distresses; and whose example, whose influence, and whose measures, will be followed by the Divine blessing!

I am,

Yours in Christian regard,

W.

Calcutta, Dec. 23, 1857.

POSTSCRIPT.

The above statements derive still greater importance from the reported fact, that the Board of Control has disallowed the liberal regulations of Sir John Lawrence, for the employment in Government offices in the Punjaub, of native Christians equally with other classes, from which hitherto they have been excluded. It is also rumoured that the intolerant despatch which Lord Hardinge refused to publish or enforce, is to be revived and put into operation.

Statements fully corroborative of the facts given above will be found in the following extracts from a letter addressed to "The Times" on the 8th of October last, by Mr. J. L. Thomas, late Member of Council in Madras:—

"Look, again, at the salutes from our ramparts, even on a Sunday, in honour of idolatrous and Mahometan festivals. These sounded in my ears during a long period of my residence in India."

"Look at the offerings presented in the name of the Government to idols; to the grants from the public treasury, in seasons of famine and drought, for idolatrous rites to propitiate the Hindoo deities for rain; and to that whole system of support and supervision of Hindoo temples and their affairs, now happily almost abolished, and which was felt by myself and by every Christian officer required to carry out the system as a practical disavowal of our Christianity. I must here remind Colonel Sykes that

this system is even now in force by law, for the legislative enactments enjoining it are still unrepealed."

"I hold the present orders of the Indian Government, putting a positive prohibition on the reading of the Scriptures by heathen and Mahometan boys in every government place of education throughout India, even when such reading is perfectly optional with, and consented to, by the youth and his parents, as a disavowal of our Christian character, and that it is, and can only be viewed as a repudiation of our faith by the Hindoo and Mahometan world."

"I cannot pass by, also, the Court's orders of comparatively a late date, sent to the Government of India, to proclaim to every native of India that they would proscribe any one of their Christian servants who should afford pecuniary aid or countenance to missions, or to any such efforts for the enlightenment of the people. These orders, I know, were not enforced, although they were, as we are expressly told by the then Chairman of the Court, in furtherance of "the policy so long observed by our Government." But why were they not enforced? Let Colonel Sykes move for these orders in the House, and when they are produced, with the minute of Mr. Frederick Millet, who upon their receipt at once placed his seat in the Supreme Council in the hands of the Court of Directors, the public may judge whether there has been, as I allege, a negation by the Government of our Christianity."

"Further, let the orders be produced interdicting any provision at the cost of Government for the Christian instruction of the degraded tribes, Naides, of Malabar, held by the Hindoo to be so impure that none but a native Christian who had risen above caste prejudices would approach them. Let us have, also, the recent orders sent in the case of the wretched uncivilized Santhals of Bengal—neither (be it observed) Hindoo or Mahometan—and contrast these orders with what has been done for the uncivilized races at the Cape, New Zealand, and elsewhere, and see whether there has not been an abnegation by our Indian Government of our Christianity."

The connection of the Government of India with idolatry is far from being at an end. The following facts are given on the authority of the *Bombay Guardian* of Nov. 21, 1857. In the Madras Presidency there are now 8292 idols and temples, receiving from Government an annual payment of £87,678. In the Bombay Presidency there are 26,589 idols and temples under state patronage, receiving grants to the amount of £30,587 10*s*, to which must be added the allowance for temple lands, giving a total for the Bombay Presidency of £69,859 6*s*. For the whole of the Company's territories there is annually expended in the support of idolatry, by the servants of the Company, the large sum of £171,558 12*s*.

U.

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A PRESIDENT IN COUNCIL

THE BEST GOVERNMENT

FOR

INDIA.

LONDON:
WILLIAM PENNY, 57, LINCOLN'S-INN FIELDS.
1858.

A PRESIDENT IN COUNCIL

THE

BEST GOVERNMENT FOR INDIA.

THERE are two political functions devolving on the British nation. It has to provide for its own government; and for the government of the much more extensive and populous countries which are dependent on it.

The majority however of its dependencies it has, wisely and necessarily, divested itself of the duty of governing; having found, after long trial, that it was unable to govern them satisfactorily. The only great outlying possession of the British Crown which is not now left substantially to its own government, is India.

The question is, in what manner Great Britain can best provide for the government, not of three or four millions of English colonists, but of 150 millions of Asiatics, who cannot be trusted to govern themselves. This is evidently a far more difficult task, than the one which the British nation acknowledges itself to have failed in. It is not likely that the very plan which has failed everywhere else, should be perfectly sufficient and satisfactory in the case in which the difficulties are the greatest. One would say, even before the subject is considered, that if success can be attained in such a case, it must be by some arrangement much more carefully and nicely adapted to the purpose.

Consider in what way the government of England itself is conducted. The English people may be supposed to know something of their own affairs. It may also be reasonably presumed that they feel an interest in them. They have every possible means of making their necessities, their grievances, and their opinions, known. When they have any wish in regard to their own Government, they usually demonstrate the wish in a thousand channels, by the press, petitions, and public meetings, before the Government takes the first step on the subject. And if the Government adopts any measure which the people, or even any fraction of the people, consider injurious to their interest, the first announcement causes it to be at once questioned in the press and in the House of Commons, and if general opinion is unfavourable there is time for the measure to be stopped before it has come into practical effect. These securities, as we know and lament, do not always prevent bad measures; but they do, for the most part, suffice to prevent inconsiderate ones. No Government feels it safe, in the home affairs of England, to take any step likely to lead to serious consequences, without previous weighing and deliberation. The checks do not operate so quickly in foreign affairs, and therefore it is generally felt that foreign, much more than home affairs, are conducted according to the individual and private preferences of the Minister, and much less according to either the interests or the wishes of the nation.

But in the government of India by a Parliamentary Minister, none of the checks exist at all. The public are never likely to hear of what is meditated, until actually done. When done, they seldom hear of it until the mischief, if there be mischief, is in part accomplished, and its reversal may be attended with greater evils than that of allowing it to subsist. Even when they do hear of it, they scarcely ever

obtain, until long afterwards, the materials for judging whether the measure was right or wrong. There would be all these difficulties in controlling the Minister, even if the public and Parliament were deeply interested and intent on Indian affairs. But, on the contrary, all except a few are in general entirely without interest in the subject, because they have no knowledge of it, and because their time and attention are taken up by things nearer at hand. Among the few who do attend to the subject, neither the public nor Parliament have the means of distinguishing those who, from character and knowledge, have the best claim to be followed as guides. A Minister, probably very little acquainted with the questions which he is to decide, has nothing to compel him either to study them and deliberate on them in his own mind, or to attend to the suggestions of those who have already studied them, except a nominal responsibility to a body who have no means of accurate knowledge, and who are in general too indifferent to the subject to apply to it even such knowledge as they might obtain.

It is in circumstances like these that Parliament is asked to give over India to the sole government of a Minister, usually altogether ignorant of it when first appointed, and changed every two or three years. And it is gravely said that we need not fear to confide absolute power to absolute ignorance, in reliance that if the natural effects follow, Parliament will *punish* the Minister for his misconduct.

As it cannot be desired that the policy of the Indian Government should be a policy of ignorance, or that it should be changed every time a Minister is promoted or turned out; and as there is no public or Parliament to supply knowledge of Indian affairs, as knowledge of English affairs is in some measure supplied, the knowledge must be furnished to the Minister in his own office. There must be in the department itself a body which knows India, and is

the guardian and conservator of the principles of administration which experience has approved, or which knowledge sanctions. Those who object to a Council constituted for the purpose, must intend that the clerks in the office should be this body. But the proposal to confide the habitual Government of India to persons whom the public generally do not know even by name, and never know whether their advice is taken or not, is rather remarkable as coming from the zealots for responsibility. The real friends of responsibility are those who would have this function exercised by a Council, who can be made responsible.

But a Council which the Minister need not consult, will be little better, if not worse, than leaving him with no other competent advisers than the clerks in his office. He cannot shelter his own responsibility behind the clerks. They cannot serve him as a screen. The Council may. And if it is left to him to determine their functions, that is the chief use to which he will probably apply them. In no one of the three plans brought before the House of Commons by its accustomed leaders, is there any inducement given to the Minister for consulting the Council, if he has reason to expect that they will differ from him in opinion. Lord Ellenborough has very truly and laudably said, that the Minister will want their support, to protect India from the mistakes of Parliament and of English opinion. But India needs protection also against the Minister's own mistakes. Parliament, however misled, can only exert its power slowly, and after discussion: the Minister, in half an hour, may issue a despatch, the evil consequences of which years may not suffice to cure. If the Council is fit to support the Minister when he is right, it will be fit to check him when wrong. And its support is not likely to carry any weight when it agrees with him, if it is not allowed to differ, or is not asked its opinion unless willing to agree.

To make the Council a real security for good government, all business which requires deliberation, or admits of difference of opinion, ought to be transacted by the Minister *in* Council. It is on this principle that the British Government in India itself is constructed, and it works most effectively. The Governor-General, or the Governor of a Presidency, performs his manifold duties in conjunction with Councillors, not of his own nomination. They are appointed, theoretically, by the same authority which appoints himself; but practically by a different authority, the Governor-General or Governor being in fact selected by the Queen's Minister, the Members of Council by the Court of Directors. As an ordinary rule, all questions are decided in Council according to the opinion of the majority; but their opinion is not binding on the head of the government. When he pleases, he can, recording his reasons, set aside the opinion of the Council, and act on his own sole responsibility; but he must go through a particular form for that purpose, which gives a deliberate, and in some degree a solemn, character to the act. On this system the members of Council feel themselves a real and substantial element in the government; their best thoughts are given to every question which presents itself, their opinion is recorded and has its just weight, while they have no power of authoritatively opposing themselves to the deliberate opinions and purposes of the head of the government.

The same principle, applied to the home administration, would give probably the best organ of Government for India, which circumstances admit of. The authority should be that of the President, but of the President in Council. The deliberation should be as much that of the whole body, as if the body and not the head had the power of deciding in the last resort. The general practice in that case would probably be, to decide, (as at Calcutta,) according to the sense of the

majority, the President's vote only counting for one. But he would have the power, after he had consulted his Council, on declaring his intention in a prescribed form, and recording his reasons, to act on his own separate opinion in opposition to theirs. According to this plan, the ordinary conduct of business falls by the natural working of things, without any special provision for the purpose, into the hands of those who know most of the subject; and the minds which really determine what is done, are associated, as they ought to be, in the responsibility. Yet the Minister's responsibility, even for the ordinary business, would never be felt to be impaired, no more than the responsibility of Lord Wellesley or Lord Dalhousie was impaired by the advisers with whom they were associated; while the Minister would be subjected to an additional and special responsibility, when he chose to set aside his Council. And this is surely right. If there be any case whatever in which deliberation, and a sense of responsibility, are peculiarly necessary, it is when one man, often not qualified by special training, assumes to be a better judge of a subject, than a body of men expressly selected for their knowledge of it, and their competency to advise on it.

A

LETTER

TO

CAPTAIN EASTWICK,

OCCASIONED BY HIS SPEECH

AT A

SPECIAL COURT OF PROPRIETORS

HELD AT

THE EAST-INDIA HOUSE,

ON THE 20TH OF JANUARY, 1858.

BY J. M. STRACHAN, ESQ.

LONDON:
SEELEY, JACKSON, AND HALLIDAY, FLEET STREET.

M DCCC LVIII.

W M. WATTS, CROWN COURT, TEMPLE BAR.

LETTER.

My Dear Sir,

A published copy, with notes, of your Speech at the recent debate at the India House, reached me yesterday. The perusal induces me to give effect to a desire I felt, upon the first reading of a less perfect report, to express to you the high gratification I experienced from many of the sentiments it contains, and my concurrence in most of the points you have so ably argued; while I beg your consideration of some points on which I presume to differ, and to advert to some others, intimately connected with the policy of the Indian Government in regard to Religion and Education, which did not find a place in your address.

The gratification I felt in the perusal of your Speech you will readily suppose arose from the avowal of your hearty "sympathy with the Missionary movement;" of your "solemn belief that God has given us that great country to promote the spread of His Gospel; and that as we fulfil or fall short of this end, so will our reward or punishment as a nation be."

A naturally feeble voice, further enfeebled by indisposition at the time, and the haste with which I spoke at a late hour, when a strong desire had been expressed by the Chairman that the debate should close on that,

the second day, rendered most part of what I then said—as the reporters stated—too indistinct to be heard. It was not suprising, therefore, that what I said was ill understood, and worse reported.

But I did make myself understood in some particulars: 1st. As regarded my cordial agreement with the masterly reasoning of the Petition of the Company, except in the point of the deprecatory language regarding non-interference with the religion of the natives; the language used in the Petition seeming to me to be capable of almost any interpretation the reader may be disposed to ascribe to it.

I was also rightly understood as disclaiming all desire to see the direct interference of Government employed in the work of proselytism, and still less any authoritative interference, or what some of your colleagues termed "forced conversions:" proceedings which I affirmed would be as injurious to our object, as they would be contrary to the spirit and precepts of Christianity.

With equal plainness I disclaimed, on my own part, and that of many others, all opposition to the Court of Directors; acknowledging the sympathy and support in our main object—which is the peaceable extension in India of our holy religion by all legitimate means—on the part of many of the members of the Court at different periods; and giving full credit for sincerity in *their* views, to those who hold the doctrine of non-interference with the religion of the natives, even in educational schemes, to an extent which I do not.

If I had been in Court on the following day, when Mr. Prinsep spoke, I should have challenged him to produce proofs of his charge against the Church Missionary Society, for the alleged unfriendly feeling towards the Court of Directors. His statement relative to the "Circulars," of which he spoke, having been sent to every minister in the metropolis, and possibly to every minister in the country, was inaccurate in all the particulars. Freely as that Society is entitled to speak of the policy of the Indian Government in matters with which the Society, throughout its whole history and proceedings, has always freely dealt—and must always deal freely—not a sentiment is to be found in its public documents, with which I am acquainted, which can be fairly interpreted as inimical to the East-India Company, or its Directors—as such. I could, if needed, cite from those documents very decisive sentiments of an opposite character.

I should likewise have asked for Mr. Prinsep's proofs of the "especial favour" shewn to that Society in India, presuming that in his remark Mr. Prinsep must have referred to the favour shown to the Society by Government. If he meant that the Society's Missionaries have had perfect liberty to prosecute their beneficent design without obstruction, I fully acknowledge that in that respect the Society has enjoyed all the favour it ever sought for in India. But that is no special favour. The liberty conceded to *its* Missionaries they have enjoyed in common with the Agents of every other Missionary Society; and they owe it

to the rights granted to all by the Parliament of this country. If, however, Mr. Prinsep meant that the Society has been specially favoured by the British community in India, then I gratefully acknowledge that the Church Missionary Society has been especially favoured in that country; for it has for many years derived a considerable part of its income from the voluntary contributions of a large proportion of your public servants, in every branch of official employment throughout India. It has found among its warmest friends many of your most distinguished public men; and it records, with allowable gratification, that the men whom the nation and its Sovereign now delight to honour—and some of those over whose graves the whole nation has wept—have been numbered among its best and most generous supporters. And it justly derives, from this fact, a confident assurance that the favour enjoyed by the Society in India, is the best testimony it could receive of its fair claim to that favour. For those who have so countenanced its exertions being the persons best fitted, by personal knowledge of its Missions, to appreciate its labours, have thus unmistakeably recognised the merits of the Society and its Agents. Moreover, among these friends of its cause, there are parties placed in various important posts and possessed of ample means of acquaintance with the people, who are no less capable of comprehending the bearing of the Missionary movement in a political, as well as in a religious and social point of view. If these circumstances justify the favour

enjoyed by the Church Missionary Society in India, I am convinced that no other part of the proceedings of the Society, if fairly judged, will be suffered to impair the favourable opinion of the Society, formed by your Court so recently as the month of July last, when in a despatch to the Government of India—to which I shall have occasion to refer more largely in the sequel—the Court, speaking of the Society, said, "We are well aware that the Church Missionary Society has been marked equally for zeal as for rectitude of intention, and laborious devotion to benevolent objects."*

On a review of these circumstances, I must think that the Members of the Court, who in the late debate referred to the proceedings of Missionary Societies, would have best consulted their own dignity, and that of the Court, and the claims of the policy they advocated, in connexion with the question of religion, if they had restricted their observations *to the merits of their policy*—as the Church Missionary Society has done when stating its views of that policy—and left the public and the Legislature to form their judgment on this momentous question, unbiassed by heated references—often erroneous—to those who, as you have candidly admitted, may conscientiously differ in judgment as to the mode of attaining the object which all must allow to be of inappreciable importance.

I must add, that in my Speech at the Court of

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* Despatch on the Education of the Santhals, to Governor-General of India, 22d July, 1857.

Proprietors, I declared that I was as earnest for the fullest toleration for the Hindoo and Mohammetan, as I was anxious for encouragement for the Christian native. I acknowledged at the same time the ameliorations which had taken place in the legislation on these subjects of late years, referring particularly to the despatch of February 1833, which I learned, by the first report I saw of your Speech, you had mentioned, and proposed should be reprinted; as you have very properly done, for the most part, in the notes of your published copy; and to the Educational Despatch of 1854, from which document you have quoted a passage, which recognises in the strongest terms the "service rendered to Education in India by the noble exertions of Christians of all denominations to guide the natives of India in the way of religious truth." That despatch, as you added, directs "the introduction of the Grant-in-aid system throughout India, by which the Government affords liberal aid to all Missionary Schools which are willing to accept its aid, thereby directly promoting religious instruction and Bible reading."

It was in allusion to those despatches particularly, I remarked, that if the instructions they contained were fully carried out, I believed the Court would have heard comparatively little of the "outcry" of the religious public of this country, of which so much complaint has been made. You have yourself frankly admitted that, as regards the instructions of those despatches, "more remains to be done;" that "the severance of the

Government [from the native religious institutions] is not yet complete;" and you have allowed that "it remains for the people of England to see the instructions [of those despatches] honestly carried out."

With most of those, I believe, with whom I have been associated in Missionary undertakings, I desired, in the first instance, little more than to exercise, in a right temper and spirit, the duty you have assigned to us, "to see the instructions of those despatches honestly carried out."

Recent circumstances, however, have given to the opinions and measures of the religious public a more than ordinary urgency. You have remarked that "the late terrible events in India have demolished many theories, and overthrown many preconceived ideas." It is not the adherents of those theories only who have been constrained to adopt that opinion. There are many feel that the *religious question* must not be excluded from review any more than other matters of policy affecting that country and people. Such men have been forced to think, from what has happened, that if more legitimate encouragement had been given by the Indian Government to the Christian element, as it began to show itself among the natives, the atrocities which have occurred might have been alleviated, if not prevented. Moreover, indications have lately appeared, that instead of *the onward course* which, in respect to all the great matters of policy, you intimate must take place—measures adapted to "an increased intelligence and enlarged experience"—*a retrograde course* in the

policy of Government in regard to the matters I am referring to, may be contemplated.

I will explain to what I allude. If you have thought it right to challenge the rash sayings, which you have quoted from political rather than religious opponents, what may not the earnest and sincere men to whom I refer—and whom you admit may conscientiously differ on some of your points—make of the declarations in Parliament of a noble Lord (whom you quote for political purposes), as to the heinous offence of your Governor-General subscribing to a Missionary Society? and to the echo of that sentiment from a Cabinet minister, declaring that the individual so offending was worthy of being recalled? If hasty expressions on "platforms and hustings" can be construed into grave charges on one side of the question, how are you to expect sentiments of statesmen to be regarded, when spoken in the debates of the highest legislative assembly of the kingdom?

I might cite instances of recent occurence in India, as significant for the present times, as those "old stories" of real facts, to which you alluded, were in their day of the policy *they* typified. It may not be agreeable that those stories should be disinterred from "the grave" to which you would have them consigned. But surely such facts may still be referred to, if the still older traditionary policy of which they were the indication, is to continue to live and flourish amidst the applause of men of mark in Indian circles. To come, however, to present times. Among recent circumstances, too much resembling indeed instances of

other times, may be mentioned the circumstance of the address of Christian natives in Bengal, which was not acknowledged by the Government as the addresses of other classes of natives were acknowledged, nor their offers of service and assistance of cattle accepted, difficult as it was at the time to find transport for the public service. And this withholding of fair recognition was because the parties were Christians—in defiance of the ostentatious declaration of the principle of neutrality—or holding the balance among all creeds even.

But a more decisive proof of the retrograde direction of the present policy in these matters, is found nearer home, being unfortunately afforded by the despatch of the Court of Directors to the Governor-General in Council, dated 22d July last, respecting the education of the Santhals. To understand this affair correctly the whole case must be stated. The statement, although in abridged form, being too long for a note, will be found appended to this letter.

I will here state the matter summarily. It is observed in the Court's despatch that all the documents relating to it were not before them when the despatch was written. They are before me at this time, and the chief facts they contain are these. The Santhals, a wild uncivilized race, broke out, under the instigation of fanatical leaders, in a fierce insurrection, attended with terrible atrocities, in the year 1855. After its suppression, the Superintendant of Education at Bhagulpore considered it indispensable that measures should be taken to introduce education and civilization among

the ignorant and barbarous people. With this view he conferred with a Missionary stationed at Bhagulpore, who had visited the Santhals and opened experimental schools among them. The result of the conference was the suggestion of a scheme suited to the particular circumstances of the people. The scheme was proposed to the Director of Education at Calcutta, supported by the strong recommendation of the Lieutenant-Governor of Bengal to the Government of India. The Director of Education opened a communication with the Calcutta Committee of the Church Missionary Society, with a view to engage its concurrence in the employment of their Missionary in the work; and the scheme, with some modifications, received the sanction of the Government of India, and was ordered to be carried into effect, the Government bearing the expense of the secular part of the education, the Church Missionary Society the expense of the religious part and of the superintendence. Immediate measures were taken to give effect to the scheme. Schools were opened in several Santhal villages. The people entered into the scheme eagerly. No concealment was employed as to the religious part of the scheme. The chiefs and people, as you will see it reported, heartily desired to embrace the religion of their rulers, "to have one day the same God to worship whom their rulers worship."

The scheme had thus, in all its parts, had the entire concurrence of the people themselves, of the local official authorities, of the Directors of Public Education, provincial and central, and of the Government. All

was in hopeful progress towards success, when the Court's despatch arrived, and the undertaking was ordered to be abandoned.

It is true that the Court, in cancelling the scheme recommended from India, approved of the establishment of schools for secular teaching, into which no religious instruction is to be permitted to enter. But irrespective of other considerations which this decision affects, the hopelessness of any moral or social advantage resulting from such schools, and the substitution of teachers of castes, suspected and avoided (as you will see from the documents) by the Santhals, in place of teachers respected and loved by them, will be apparent from a perusal of the documents in the Appendix.

Let the case be examined in all its parts. What was its *object?* A barbarous people, at the conclusion of a fierce insurrection, "equally debased," as the Court's despatch rightly describes them, "in ignorance, and devoid of rational religion," upon whom Christian influence had been found to bear beneficially—as it has universally when fairly applied to similar races—for whom the Lieutenant-Governor of Bengal therefore, with a perfect knowledge of the case in all its relations, and with a wise regard alike to the demands of policy, of benevolence, and Christianity, desired to secure the benign influences of that only effective remedy for the woes of debasing ignorance and barbarism. Such was the object. The *mode of proceeding* for its attainment, was Christian education, under competent direction, the fitness of the agency being ascertained from previous

acquaintance with the people, and the deservedly high character of the individual to whom the direction was entrusted. The parties who have thoroughly considered the scheme, and concur in its adoption, are the Public Functionaries in the Department of Education, provincial and central, the local Government, and the Government of India.

It will be seen, that instead of the scheme originating with the Calcutta Committee of the Church Missionary Society, as the Court's Despatch annulling it erroneously assumes, it originated with your most distinguished officials in Bengal, and came home with the recommendation of the Government of India, under the full persuasion of the scheme being in accordance with the spirit of the instructions of the Educational Despatch of 1854, which you have so justly eulogised. And how has the scheme, so devised, considered, and matured by some of the most efficient of your public servants and high officials in India, been disposed of here? It is instantly rejected without waiting for the explanatory documents. And why? Because the unhappy beings are found partly scattered among the Hindoo and the Mussulman inhabitants of the plains—populations which have no religious sympathy or relation whatever with the Santhals, between whom and them, indeed, a strong enmity exists. And thus all the benefits contemplated by the Authorities abroad are to be cast away, lest the Government should be suspected of favouring a scheme for the purpose of civilizing and instructing the people by a Christian Missionary; that

Missionary having been solicited by your Government to undertake the benevolent office on a plan which, after all, left the Society to which the Missionary belongs to bear the greatest part of the expense.

Nor is this the whole of the case. I cite it in order to illustrate what must be deemed the *threatened retrograde policy* which it indicates even with regard to Education. A main object of the Grants-in-aid system is, as you have rightly remarked, that the Government, by its means, "affords liberal aid to all Missionary schools which are willing to accept it, thereby directly promoting religious instruction and Bible reading."

By the terms of the Santhal despatch, the whole system of the Grants-in-aid is jeopardized, as regards the Christian Schools; for the Government, in every grant made to a Christian School, has contributed towards its *support*—and such an act is now repudiated.*

Either, then, you have been misled—as the Indian Government have been misled—as regards the Educational Despatch of 1853, or the despatch of July last is plainly *a retrograde movement*, in every sense of the words. And this is done at a time when, with a force of language and in a spirit calculated to inspire confidence and hope in every true friend of India, you spoke for progress "in an age of progress," and declared that

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* We do not feel, therefore, that, in dealing with the Santhals, we are exempt from the necessity of maintaining that cautious line of proceeding which we ought always to deem so essential in the establishments founded or *supported by Government for the education of the people of India.*

"all the institutions of Government must be adapted to our increasing intelligence and enlarged experience."

With your recognition of the duty "of the people of England to see the instructions [of the Educational Despatch] honestly carried out," in connexion, as it stands in your Speech (pp. 25, 26), "with religious instruction and Bible reading," can you be surprised that the people you appeal to should be alarmed, and in terms of more than ordinary earnestness, call *for the onward movement*, rather than silently witness *backward measures;* for which some voices are heard, in agreement with the terms of the late untoward despatch, to argue?

If I speak strongly on this subject it will perhaps not be deemed unreasonable when I state that the proposal for the Grants-in-aid scheme originated with Dr. Duff of Calcutta and myself. A paper urging the introduction of the Bible into the Government Schools and Colleges of India; or, if that were refused, representing the claims of Christian Schools to a portion of the Government grants for education; with a memorandum appended containing a sketch of the Grant-in-aid scheme, written by Dr. Duff at my request, was laid before the then Chairman of the Court of Directors and the President of the Board of Control. The adoption of the Grant-in-aid scheme followed: and it is known that the Grant-in-aid was accepted as a compromise, and the introduction of the Bible into the Government Schools was pressed no further. That compromise was adhered to so long as it was believed that it would be carried out, as you have described the operation of the

measure, liberally; regarding it, as you do, as a "most important step in advance." But when that system was found to be virtually, by the Santhal despatch, abandoned, as regards Christian Schools, I joined in the prayer of the Church Missionary Society for the introduction of the Bible into all Schools and Colleges established by Government, as the only safe and effective source of moral culture which a Christian state should recognise, where voluntary education is concerned.

To the dangers apprehended from the introduction of the Bible into Government Schools, experience affords the only rational reply. The Bible has always been used in Christian Mission Schools, without repugnance, much less danger. Until the comparatively recent measures for the extension of Vernacular Schools in the North-Western Provinces, and some other parts, the number of scholars in the Christian Schools outnumbered those in Government Schools and Colleges fourfold. I am not aware of the relative proportions now. But I will present to you two well-known instances of the perfect safety and advantage with which the Scriptures have been taught to Hindoos of all castes and Mussulman youths, mingling without hesitation in the same Schools with Christians.

The first is from an account of the examination of the Scotch Mission Schools at Madras, held before the late Governor, Sir Henry Pottinger, shortly before he quitted that Government. There were in the Schools attached to the Missions at different stations 2520 scholars, of whom 690 were females. The Parent

Institution had been sixteen years in existence. The great majority of the pupils were high-caste children, with many Mohammetans, native Christians, and Pariahs. A very high standard of secular education was attained: but instruction in the Bible was the predominant feature. At the end of the examination, which occupied three hours, His Excellency the Governor addressed the pupils as follows—

"Pupils and Boys—From what I had formerly heard, I will not deny that I came here with somewhat high expectations. These, I am bound to add, have been more than exceeded. I am not only gratified; I am surprised by what I have now witnessed. Such an education I was not prepared to meet with in any School of this land. I congratulate Mr. Anderson and his coadjutors on their success. I rejoice to learn, from Mr. Anderson's communications about the Branch Schools, that the Bible and other good books are not only well, but enthusiastically received in various parts of this Presidency. I rejoice that you have been taught the Bible. Prize it above all other books. I trust you will continue to study it, for this is *the best book to show you the path of life*. I may not be present at another examination of this Institution, but I hope that in future years the results of your labours will be as great as in years past. To yourself, Mr. Anderson, I must say, I cannot go down stairs without expressing my high satisfaction with what I have seen and heard. Your pupils answered fairly every question put to them; there was no evasion of difficulties in any of the classes.

In every department examined they were perfect. I congratulate you, and all who have assisted you in this great work, on the results of your labours. I trust you will go on and prosper. Though in a short time I shall be far removed from you, yet I will always remember what I have heard this night, and will ever regard your efforts with deep interest. Be pleased to convey to the monitors and gentlemen who have assisted you my deep respect for them. I pray that God may bless you and your labours.

"His Excellency, Sir Henry Pottinger, then retired, after having listened with intense interest for upwards of three hours.

"The substance of the Governor's speech was explained to the pupils both in English and Tamil."*

The other instance is from Rajah Jaynarain's College at Benares. This instance is purposely selected at a great distance from the other, and in a locality where, above all other places, the use of the Christian Scriptures in a School might be snpposed to be especially objectionable, and even hazardous. Similar cases might, however, be presented of Schools at most of the principal towns along the whole distance from the south to the north of India.

Jaynarain's College was founded and endowed by a rich native of the highest caste; and was by him placed under the care of the Church Missionary Society. It comprises pupils from the highest to the lowest castes;

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* "Christian Education in India," by P. Cator, Esq., 1858.

but by far the larger proportion are Brahmin youths. The higher branches of learning in English and the native languages are taught; but, as in the Madras School, the Bible and the Evidences of Christianity are the chief subjects. There is no concealment as to the object of the College; and with that object fully known, the College has always had a larger number of pupils than the Government College of the same city. Since the year 1844, school fees have been paid by the scholars; and it is believed that this was the first instance in which school fees were demanded in any School in the North-west Provinces; and the College has at all times had the sons of some of the most wealthy and respectable inhabitants of Benares.

In this College the practice of closing school during the native festivals, as the Doorga-poojah—which is the practice in the Government Colleges and Schools—is not observed, and the classes are, notwithstanding, well attended at those times.

The late lamented Lieutenant-Governor of the North-west Provinces, Mr. Colvin, visited this College during his journey to the seat of his government, and witnessed an examination of the pupils, including the Bible classes. Struck with their acquaintance with the Scriptures, he inquired of the scholars if they were perfectly content to be so taught in the Bible, and was cheerfully answered that they were. Turning from the scene he remarked, "Then that question is settled."

What answer can be given to these facts? or how are the inferences which naturally flow from such facts

to be evaded in "an age of progress," when "all our institutions must be adapted to our increased intelligence and enlarged experience?"

I refrain from doing more than touch the question of the consequences to be apprehended from the overthrow of the faith of Hindoo and Mussulman youths in their respective creeds, which is the certain effect of the instruction in western literature and science in the Government Colleges. You will see the point referred to in the letter of the Inspector of Education in the Santhal case.

Those consequences have been often declared by persons most competent to judge of the fact, for the qualities of "young Bombay" and "young Bengal" have not been slow of development.* Deprived of their hereditary

* "*The Government, in fact, does not know what it is doing.* No "doubt it is breaking down those superstitions, and dispersing "those mists, which, by creating weakness and disunion, faci-"litated the conquest of the country; but instead of substituting "any useful truth, or salutary principles, for the ignorance and "false principles which they remove, they are only facilitating the "dissemination of the most pernicious errors, and the most demo-"ralizing and revolutionary principles. I have been appalled by "discovering the extent to which athestical and deistical writings, "*together with disaffection to the British Government and "hatred to the British name, have spread, and are spreading, "among those who have been educated in Government Schools or "are now in the service of Government.* The direction of the "Government system of education is rapidly falling into the "hands of astute Brahmins, whom you know, and who know "how to take advantage of such a state of things, and, at the "same time, to strengthen themselves by alliance with Parsi and "Mussulman prejudices, while the European gentlemen, who still

remain

faith, and cast loose without any fixed principles—too often made familiar with the worst English literature, and with no pure moral element in their own—a few exceptional cases will not save the bulk of those youths from the charge of a wild infidelity, and all its worst consequences.

I adverted briefly to two other points, when speaking at the debate at the India House, to which some reference must be made here. I allude, in the first place, to the caste question, as affecting the *status* of Christian natives. The caste question must be reviewed by the light of recent experience, in the re-modelling of the Bengal army. I do not presume to enter upon this large, and, to a great extent, professional question. I limit my remarks to the case of the Christian native and low-caste Hindoo, in connexion with the administration of justice. In the year 1853, a Memorial was addressed to Parliament (but being in the native lan-

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"remain nominally at the head of the system, know nothing of "the undercurrents which pervade the whole; or consider them-"selves as bound, either by principle or policy, not to make any "exertions in favour of Christian truth, while the professed object "of the Government is to give secular instruction only. Now, "what is required, in order to counteract the tendency of such a "system? To enlighten the public at home, particularly those "who have most influence in East-Indian affairs, by laying the "real state of the case before them, appears to me to be the first "thing required. *The whole subject of Government education "requires to be re-considered, and in the spirit of the age."*—From a former Professor in the Bombay Government Schools. ("Memoirs on the Education of the Natives of India," by the late R. C. Money, Esq. Reprinted 1857.)

guage, was not presentable), signed by 501 Christian native householders in Tinnevelly. It prayed for the relief of grievances, arranged under six different heads. I will throw into a note* the complaint about the administration of justice to Christians and low-caste people. Surely it ought not to be difficult to exempt a court of justice from such an intolerable abuse of privilege on the part of the higher castes.

In that province there are upwards of 80,000 Chris-

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* "In consequence of heathen alone holding office, all low castes of the people are not allowed even to enter the Cutcherry to make their complaints. Inasmuch as Brahmins and other high-caste men alone hold office, persons of their caste alone are permitted to enter the Courts, and formally to make their complaints, and to obtain assistance. Low-caste people, such as Shanars, Pallars, Pariars, Sakkilliyars, Semmars, Washermen and Barbers, &c., are prevented from entering. When these men receive injustice, they are obliged to take their complaints in their hands, and, standing at a distance, to call out, as men invoke God, saying, 'Swamy, Swamy.' If there happen to be a benevolently disposed person at hand, he will enter the Cutchery and announce the man's cry. Sometimes their complaint will by this means be received shortly; otherwise the man has to wait a day or two before it is received. In the mean time, if the person complained of is a high-caste man, he enters, gives the officers a bribe, and evades justice; he also then makes a false complaint, and puts himself into the position of the other. Moreover, when low-caste witnesses are examined, whether in a case of wounding, beating, murder, theft, and such like, or in a case affecting lands, the witness is obliged to stand at a great distance, and if, in the course of examination, a high-caste man comes near, the witness is obliged to run off to a greater distance; and thus, while he says one thing, the others write another, and consequently justice fails. This state of things takes place every day in each of the thirteen Talook Cutcheries.

tians; and the Memorial states that there were only two Christian natives employed under Government, and that they were not natives of the province.

It cannot be denied that Christianity does suffer discouragement, while the very Courts of Justice—the power which professes above all earthly powers (as it is the emblem of the highest power) to have no respect of persons—are thus disturbed by the assumed prerogatives of caste; and the Christian, whatever his heathen status may have been, is reduced in the eyes of the population at large to the abject condition of an outcast.

With this state of things in the province where the largest proportion of Christian natives are found in the South of India, I need not refer to individual instances of exclusion in different branches of the Government service, each case of exclusion telling over a large surface of native society, and certainly not influencing it for good.

There are instances which Krishna Mohun Banerjea, (a name too well known to require explanation) has told, of the discouragements of Christians in the higher classes of society in Bengal, in a letter which I was formerly permitted by his correspondent to make use of, and from which I will extract some passages below.*

* In the most important educational establishment, the Hindu College of Calcutta, Christian natives are not allowed to receive the advantages of education. This is practically putting native Christianity at an immense discount: the invidious exclusion is felt as a great grievance. I have two nephews, who, if my brother had not embraced Christianity, would have entered the

But there is one other case strikingly in point which I ought not to omit. It is of Rajah Jaynarain, of

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the Hindu College like their father and myself; but because they are Christians, they are debarred from the benefit of the College. I have a third nephew, son of my sister, who, with her husband, is a heathen; and he is studying in the Hindu College. You may say this is a trifling thing, not fit to be brought to the notice of a Director. It may be a trifling thing; but trifling things when summed up become important: and how can one say that this disability, connived at and tolerated by Government, is not retarding conversions in many instances? I know my brother considers it no small trial that he cannot place his sons in the Hindu College. As far as general education is concerned, we consider *that* to be the most suitable institution for native lads.

But the Hindu College not only refuses to admit converts, but also expels those who, having been duly admitted, are led to embrace Christianity afterwards. A most distressing case occurred a year or two ago, of a boy being expelled from the Hindu College because of his conversion. He is now in a fair way of being very much degenerated intellectually. A native teacher also was obliged to withdraw from the Hindu College, because he embraced Christianity.

While Brahmins and Mollahs, as ministers of the respective systems, are not disqualified for service in the educational department, Christian ministers are so practically. There is a strong feeling in the Governors of the country, that no Christian minister can be appointed to any public College. The Rev. A. W. Wallis was indeed appointed by Mr. Thomason, as Principal of the Benares College. He was accidentally superseded. But I have heard from members of the Council of Education, that Mr. Wallis's appointment would never have been suffered by the Court of Directors, who have forbidden the appointment of clergymen, even as members of Local Committees, and of the Council of Education. These disabilities certainly destroy that even balance which should be maintained between the different opinions which divide the population; but there are certain advantages which the State withholds from Christianity, though it allows them to other religions.

Benares, the founder of the Christian College in that city, some account of which has just been given. The following brief notice of Jaynarain was communicated to a public journal, by a former Principal of the College now a clergyman in this country.

"The founder of that College, after struggling a long time against the convictions of the truths of Christianity, which had been excited in his mind through the instrumentality of the gentleman who cured him of his illness, at length stifled them, by saying, that '*had the Christian religion been true, the Company Bahadur, which had, in other respects, benefited his country, would not have withheld from at least commending this religion to their notice.*'"

That the Christian natives are not unworthy of the favour of Government, the crisis of danger has made apparent. Wherever the English suffered during that calamitous period, they suffered; and wherever an opportunity offered to evince their loyalty to our rule, and their community of interest or of danger with our countrymen, those qualities were not wanting. In numerous cases they exhibited a stedfast adherence to their faith, under the alternate temptations of bribery and torture, some even unto death; and others of constancy at their post, in the face of threatened destruction, worthy of the days of Christian heroism, when men counted not their lives dear unto them so that they might finish their course with joy. The sentiments of the address from Christian natives, which was not received as those were from every other class of the

population, will be seen at the foot of this page.* In Agra, when all the Hindoos and Mussulman servants forsook their masters, the Christian natives supplied

* "TO THE GOVERNOR-GENERAL OF INDIA.

"The humble address of the native Christians, residing in the district of Kishnagurh.

"It is now one hundred years that, by the Divine favour, the illustrious English have, in a very wonderful manner, brought under their dominion and good government a great part of the world, by which the people of Bengal have enjoyed great security, and lived in happiness and safety. The Government have promulgated very beneficial laws for the punishment of the wicked, and the protection of the peaceable inhabitants; and by many kinds of gifts and honours have manifested this affection towards their subjects, and rendered them illustrious; the very relation of which benefits almost produces tears.

"But what painful circumstances have now arisen, that suddenly, like thunder, in the midst of the territories of such powerful and very just English, danger has arisen. Alas! their own forces have revolted, and manifest treason in many parts of the Honorable Company's territories. Especially do they slay persons connected with the Government [*lit.* royal persons], with their wives and children. These bad news we have learned through many of the newspapers, and in the trouble of our governors we are troubled; and with troubled minds we give our signatures to state, that, in case any further troubles should arise, we native Christians in the Kishnagurh Districts, if called on, will be ready to aid the Government to the utmost of our power, both by bullock-garries and men, or in any other way in which our services may be required, and that cheerfully, and without wages or remuneration.

"If a letter be sent to the Missionaries in the Kishnagurh District, what we have said shall be cheerfully done: they will exert themselves to give their people, or to aid in any way that may be required. We native Christians, being happy in the prosperity of the Government, desire also to share in the troubles that may come upon it."

While

their places, even in the highest households; and they served, as a police raised for the occasion, with courage and fidelity.

At Benares, to evince the respect in which the Native-Christian teachers of the Mission Schools were held, when all the European community quitted their houses in the city, protection was afforded to those teachers in the houses of some of the principal Hindoo inhabitants. And intimately connected with the cause of the Christian natives and the Missionary movement, which has so justly your heartfelt sympathy, it may be allowable to add here, that at the same station, while other Europeans everywhere appeared armed, and few natives of the better classes appeared abroad unarmed, Missionaries walked through the city without other defence than the respect acquired by their office and their characters. Our senior Church Missionary, Mr. Leupolt — like Swartz in his day in the South of India — became a chief dependence of the Commissariat for the supplies required for the public service from the neighbouring inhabitants, when the ordinary means of providing them were unavailing or imperfect.

While this letter was passing through the press, I learned, by recent communication from Calcutta, that when no acknowledgment of the Christians' address appeared, inquiry was made as to the cause of the delay. The inquirer was referred from one department of Government to another, until at length, in an interview with the Chief Secretary, he was informed that *if he wished it*, the address might be acknowledged. He intimated that he did not wish to embarrass the Government, and so the matter dropped.

In approaching the conclusion of a letter whose length has much exceeded my intention, allow me to draw your attention to another fact which I referred to in the debate on the Company's Petition. The fact is this, that the parts of our Empire in India where the greatest degree of tranquillity has prevailed throughout the recent calamitous season, have been the Punjab and the Presidency of Madras. And those parts have rendered the most effectual assistance in troops and supplies to the disturbed districts; services to which the safety indeed of the empire has been justly attributed by the highest authorities. Many reasons have been suggested to account for the peaceful condition of these parts of the empire, of the Punjab especially. Suffer one among the many of its eminent public servants to give *his* explanation of this remarkable fact, as expressed in a communication to a friend, while the conflict in the North-west Provinces was as its height.

"In your time we used to keep a garrison of 12,000 reliable soldiers to hold the country (Peshawur) and repel invasion. Now we have killed about one-third of them, some of the other two thirds are occupied day and night in watching the remainder. We depend on the people for internal, and on Dost Mahommed Khan for external peace. That's our present position. An anxious one enough, God knows. It is of no use to talk of wise or vigorous measures, though in General Cotton we have had the best of commanders. But Providence, God's mercy, has alone kept this frontier in the wonderful state of peace that it has enjoyed since

this mutiny invited the very worms to come out of the earth. I assure you I never thought we could have got through this summer without a bloody conflict. Often and often we have been on the verge of it; but is it not a perfect miracle, that while all the Bengal Presidency is convulsed, Peshawur has had less crime than ever was known. I have no sort of doubt that we have been honoured, because we honoured God in establishing the Mission. And what a light it throws from the frontier on the disasters of a Government which 'carefully abstained from hurting the prejudices of the natives,' as the phrase runs in the foolscap sheets. This convulsion seems to me intended to hold up Hindooism and Mohammedanism, and Nothing-at-all-ism to England. No one can say *now* that his attention has not been called to it. I hope —— will be put to confusion now, and that in future our Government will take its stand on openly Christian principles, and endeavour, by all fair teaching and example, to Christianize the sects which find their natural expression in the murder of man, the dishonour of woman, and the roasting of children. I forgot to tell you that the Kirkee Kyl Kyberees paid a fine of 3000 rupees for the murder of Lieutenant Hand, committed last January. They refused to pay when we were strong. This is a specimen of how we have been going on."

And as to Madras, let that too-much-overlooked Presidency have its due. It was there that the Vellore mutiny occurred, the prototype — happily instantaneously crushed—but in its elements the prototype of

that mutiny which is now seen, as we trust, in its last throes in the North-west Provinces. When that appalling event at Vellore occurred, no Christian Missionary had a legal footing in the Madras territories; but the largest and closest connexion had been formed there, in evil days, with the religious institutions of the natives. And *there* honours, revolting to all enlightened Christian feeling, were required to be rendered to their ceremonies and festivals. *There* all these things have been corrected. The orders of the despatch of 1833, which you have reproduced, have, at that Presidency, well nigh received their fulfilment. *There*, too, the greatest extension of Christianity in India in modern times has taken place, and the largest Christian efforts continue to be made. I have already acknowledged that those efforts are pursued without hindrance of any kind from the local Government, and with the zealous support of no inconsiderable proportion of its best servants in all departments. And what has been the result? Undisturbed security throughout that Presidency, though with scarcely a complete regiment of European soldiers remaining within its extensive provinces; while all Bengal and the Central and North-west Provinces were convulsed.

If "the late terrible events," as you have remarked, "have demolished many theories, and overthrown many pre-conceived ideas," and suggested important lessons for the guidance of the rulers of India in the future adjustment of their policy, are the facts and experience of a far different and happier aspect, which I

have presented to you, and which suggest to the Christian philanthropist lessons full of encouragement and hope for his labours, to be always disregarded by the statesmen to whose hands are confided the destinies of that magnificent empire, with all its responsibilities?

With the sentiments you have expressed of the connexion between the nation's policy and duty, as regards its highest mission in India, it may seem superfluous to suggest — what some appear so slow to learn — that righteous acts will never fail to justify their own expediency; and that He "who ruleth in the kingdoms of men, and giveth them to whomsoever He will," has declared that He will honour them that honour Him. And how can the Most High be more honoured, and His creatures of every nation, kindred, and tongue, be more benefited, than by affording countenance and encouragement to all legitimate means for presenting to their acceptance His own message of mercy and grace in the Gospel of His Son, the only Saviour.

Believe me,

Very sincerely yours,

J. M. STRACHAN.

February 10*th*, 1858.

CAPTAIN EASTWICK,
&c. &c. &c.

APPENDIX.

THE SANTHAL EDUCATION CASE.

THE following statement of the case is abridged from the official papers.

The Rev. E. Dröse, a Missionary of the Church Missionary Society, stationed at Bhagulpore, had made frequent tours among the Santhals before the insurrection of those tribes broke out in 1855, and had established experimental Schools in some of their villages. One School had been chosen for the fuller trial of his plan. It was popular, and, though irregularly attended, was promising to answer, when the insurrection broke out. The Santhals of the place urged the Christian Teachers to depart, lest the insurgents from other parts should molest them, and escorted them in safety towards Bhagulpore; and the people of that village remained quiet while the insurrection prevailed, having been dissuaded by the teachers from joining the insurgents.

When the insurrection was suppressed, Mr. Chapman—then Educational Inspector in Bahar—conferred with Mr. Dröse as to the most advisable means of introducing education and civilization among the degraded tribes. The results of that conference were reported to the Director of Public Instruction at Calcutta, in a letter dated Bhagulpore, 26th February 1856, from which the following are extracts.

1. "I have already mentioned to you that my thoughts have been for some time occupied with the subject of the introduction of Education among the Santhal tribes in my division.

2. "It cannot be concealed that among the prominent general causes of the late disastrous movements among that

people, the utter want of education was one of the most certain and fatal. The gross absurdity of the pretensions to a divine mission on the part of the leaders of the insurrection, and the utter hopelessness of the success of the enterprise they had undertaken against a power so incomparably superior to them, must have been patent to any people not sunk to the lowest depths of bestial ignorance.

. . . .

5. "In thinking over the various plans that suggested themselves to my mind for commencing the education of the Santhals, my attention was directed strongly to the operations now being carried on, with Government aid, by the Rev. W. Lewis, among the wild tribes of the Khaisa Hills. I had hailed with delight the countenance thus given by Government to Missionary efforts; and it seemed to me clear, that what is good for the Khaisa Garrows will be good, in all probability, for the Santhals and Saharis of the Domawikah. There are many reasons why it would be difficult for Government to introduce an educational organization of its own among such tribes. The experience required in the first instance does not exist among Government officers; nor could the necessary close and special superintendence be attained in such an organization, unless at an expenditure much beyond what is ordinarily at the disposal of Government for such purposes. Supposing, even, that this could be supplied, it would be in vain to look for the untiring zeal and self-devotion of a true Missionary from a Government officer. The latter not only *may not have*, but is absolutely debarred from the lofty and ennobling springs of action which are the characteristics of the former. If, then, the Government can secure the services of a zealous Missionary in such a field, and if there be no political objection to their availing themselves of them, it were folly indeed to hesitate for a moment about accepting them with the deepest gratitude.

6. "The question, then, which presented itself to my mind was this: Is there any political objection to giving a religious character to the educational measures which we may introduce among the Santhals? Mr. Dröse, in his enclosed letter, says, with terse bluntness, 'A man without education is a brute: a man without education and religion is a devil.' To this sentiment I fully and fearlessly subscribe. It would, perhaps, have been still more apposite to the case in point if the third conclusion had been drawn, viz. a man without either education or religion is both brute and devil; a text that might be fearfully illustrated by many an episode of the late rebellion" (of the Santhals in 1855).

After discussing the political bearings of the question, the Inspector proceeds.

8. "The case is widely different as regards the Santhals. From all accounts, these people have no religious system deserving the name, or that has any hold upon the affections of the people. If they have a religion at all, it is of the lowest possible character. Indeed, their faith seems to be little more than an implicit belief in the wildest assertion that a scoundrel may find it to be his interest to make to them. It were sufficient to show that such a religious system is both degrading to those who profess it, and that it contains none of those sanctions in which consist the *political* value of all religions, and which alone make a man differ in nature from a devil. But when, in addition to this, we have the late abundant melancholy proofs of its highly noxious and dangerous character as regards those brought into contact with its professors, it is not too much to assert that it becomes as much the duty and interest of Government to eradicate it, as it was (in a high degree it is true) to root out the peculiar religious pursuits of Thugs, and Dacoits, and Malays.

9. "No enlightened Government would think of taking steps to eradicate one religion without endeavouring to supply its

place by some other; and no *Christian* Government would for a moment think of teaching any other religion than Christianity. I therefore arrived at the conviction, that no scheme of education for the Santhal would be wise which did not include the teaching of the Christian religion.

10. "Having thus determined in my own mind that the best arrangement for the introduction of education among the Santhal tribes would be to entrust the operation to some Missionary of zeal and experience, Government providing the funds and superintendence only, it remained only for me to find a suitable candidate for the position.

11. "My thoughts were immediately directed to the Rev. E. Dröse, the Missionary of the Church Missionary Society at Bhagulpore. I knew that that gentleman had made frequent Missionary tours among the Santhals, and that he had already had several schools at work among them. I was acquainted with the high character which he bears for zeal and devotion, as well as for great ability; and I judged that if he could be induced to undertake the organization of the proposed scheme, there would be every probability of its meeting with success.

12. "In this belief I first had the pleasure of a long conversation with Mr. Dröse upon the occasion of my late visit to Bhagulpore; and finding that gentleman willing to undertake the charge, I subsequently addressed to him a demi-official letter, of which I have kept no copy, but which elicited the following reply, to which I request your careful attention.

13. "It appears to me to be peculiarly distinguished by prudence and common sense; and I can only hope that the plans which it proposes may meet with as full approbation from you as they do from me. I cannot but think Mr. Dröse most wise in not attempting to lay down a distinct plan of operation for the future, and for my own part can only recommend the Government to give him their full confidence, and lay no restrictions upon him. It will be for the Government

to consider whether this will be a wise policy, and to what extent they are prepared to furnish funds for the proposed operation.

14. "You will observe that Mr. Dröse attaches one condition to his assent, viz. the consent of the Society whom he serves; but I trust there is little doubt that this would be readily granted."

The following are parts of Mr. Dröse's letter referred to in the Inspector's Report.

"Education, it seems to me, should rather tend to foster than to do away with the consciousness of the Santhal belonging to a separate race from his neighbours the Hindoos and Mohammedans. Thus it would seem the Santhal might be rendered a more attached subject of the existing Government, and more willing to embrace Christianity. He would, moreover, be more likely to keep to that truthfulness, fidelity, and simplicity for which even his oppressors praised him. Notwithstanding, education should also be made to call forth in the Santhal a desire for adopting such an orderly mode of life as would make him dread being at variance with his neighbours.

"To judge from my broken-up Schools among the Santhals, what success would be likely to attend educational labours among them would not be safe. The Santhals of 1857 will not be the Santhals of 1855. Grievances which the Santhal believes were allowed to press on him through the connivance of the rulers of the land, as well as also the brute-like demeanour seen by the Santhal from a white-faced rabble engaged about the railway works, must have tended much to lessen the almost superstitious regard the Santhal had for the white man's moral superiority—may even have called forth in him prejudice and dislike towards us; and I fear our efforts

for the education of this race will at first be viewed by the Santhal with suspicion. However, through kindliness, patience, and perseverance, we may succeed to gain his confidence, and see him availing himself of what we propose to him for his improvement. Yet, in compliance with your wish, I will in few lines give you an account of the working of my schools among the Santhals.

"About the end of the year 1853, I established a school near Godda at a village called Sarvanie, inhabited by about 300 Santhals and about as many Bengalees. That school was, in the commencement, attended with enough both of Bengalee and Santhal boys, often above thirty children being present. By and by, however, the Santhal boys left off coming to school; and on inquiry, I found that the Santhals would not send their children to school, because they found the Bengalee boys taught the Santhal boys to lie and steal, and often robbed them of valuable things about them. I then removed the school to a village quite near to that end of Sarounee where the Santhal population of the village lived. The Bengalee boys, finding the new school at Karmatand too far away, left off coming, and only Santhal boys from Karmatand and another village called Sundesmore attended this school. After some time, the Teachers were told by me not to admit any Bengalee boys, which greatly delighted the Santhals, and made them quite enthusiastic about their new school. They said if I was to establish schools for Santhals and Japanese [?] children only, the parents would everywhere, by the village Naizes, be induced to send their children to school. The attendance at this new school was, however, very irregular—sometimes only 4 or 5, and sometimes 25 or 30 boys being present.

"Yet this school continued to keep on; and about the end of 1854 several boys read and wrote pretty well in Hindui, and knew a number of Bible passages by heart. When the Santhal insurrection broke out, my teachers continued at their

posts until the Santhals of Karmatand and the neighbouring villages advised the teachers to leave for Bhagulpore, as they might be ill-treated by the Santhals coming from a distance. Some of them conducted our teachers far enough to enable them to pursue their way to Bhagulpore unmolested by insurgents. As regards the circumstance of the people at Karmatand and some neighbouring villages not having risen, I would ascribe that to the exertions of the teachers, who, advised by me, did all in their power to dissuade the people from joining the insurgents.

"The schools had not been working long enough to justify one to consider that circumstance as a result of education. Education alone, however, will not do that. The introduction of the religious element is indispensable.

"In order to bring in the aid of the religious element, Government can of course think only of the introduction of Christianity. The teaching of Christianity in the schools should not only be not interfered with, but enjoined; the embracing of Christianity not only protected, but encouraged. The Santhals, as well as the Paharees and other caste-free races in India, once christianized, would more secure the internal peace of the empire than all the war-machinery of Government. . . . . .

"In the above I have written what I have to say about the education of the Santhals. To take charge, however, of a work which may become very extensive, I am not at liberty unless permitted to do so by the Church Missionary Society."

Upon the receipt of the letters from the Educational Inspector of Bahar, the Director of Public Education in Bengal sought by a note, of which the following is a copy, a conference on the subject with the Calcutta Committee of the Church Missionary Society.

" MY DEAR SIR,—Allow me to send for your perusal the enclosed correspondence on the subject of establishing schools among the Santhals. If you think that the Society with which you are connected is likely to wish to avail itself of the opportunity of establishing schools among that people with Government aid, I shall be very happy to talk over the matter with you at any time. I think it probable that Government would give very liberal assistance for this purpose.

" Believe me,

" Your's very truly,

(Signed) " W. GORDON YOUNG.

" Office 88, Colingah,
March 13th."

In a conversation with Mr. Young, I begged for information on the following points.

(Signed) " G. G. C."

Questions for Mr. G. Young—

1. " Will the Missionary be considered at liberty to adopt the line and the manner of teaching he seems best?

2. " Will the Government pay over to the Church Missionary Society Committee whatever grant may be agreed on as sufficient for the object, the Committee undertaking to see to its proper application?

3. " How would the grant be paid?

4. " If the Society sent out or appointed a Missionary for this special work, would the Government pay his salary, and through the Committee?

5. " If the plan roughly sketched by Mr. Dröse were adopted in chief part, would the 'superintending masters' mentioned by him be entirely under the control of the Church Missionary Society, and their *work* merely subject to the inspection of Government officers?

6. " Would those officers be *Christians*?

7. "About what is likely to be the greatest distance of any Santhal schools from Bhagulpore? and would they be all in our direction, or nearly so?

8. "Would the Government be likely to object to the Missionary using the school-houses for any other purposes than school instruction only?

9. "About how many schools would probably be required?"

"8, *Middleton Street*,
"*March* 27*th*.

"MY DEAR SIR,—I will answer your questions about Santhal education *seriatim*, merely promising that the views thus expressed are my own; that although I *believe* them to be also those of the Government, they must not be considered as in any way binding or pledging the Government to any particular course of action.

"To your first question I would reply, that so long as the Government is satisfied that an amount of sound secular instruction is imparted commensurate with the amount of public money spent, the Missionaries may give any further instruction they please in the schools, and in what way they please.

"There would, I think, be no objection to the proposal contained in question No. 2, provided, of course, the Government has a general idea beforehand as to how the money is to be spent, and its officers are allowed to satisfy themselves by inspection, &c., how it is at any time actually being spent.

"With reference to the above, an answer to Question 3 seems unnecessary.

"Question 4. There *might*, though I am not prepared to say certainly that there *would*, be an objection to Government paying the salary of a professed and professional Missionary; but Government will be willing to pay the salary of any one required to superintend secular education.

"To the 5th Question, Yes.

"To the 6th I should say, if possible, Yes; and in all probability arrangements might be made, either in the Educational Department itself, or with the aid of Mr. Stainforth's Government assistants, so as to have the Government schools inspected, whenever necessary, by Christians, and not by Native Inspectors.

"To Questions 7 and 9 it is difficult to give answers without first consulting the Commissioner of the Santhal country, Mr. Stainforth. His recommendations, as well as the suggestions of the Church Missionary Society, would no doubt guide the Government in selecting the localities for schools.

"To Question 8 I should say, Probably not, if used for other purposes only out of school hours.

"On the whole, the general principle that I should wish to see adopted would be this—That the Government would pay (in the form of salaries and in any other way) all that is absolutely necessary for imparting a sound secular (including, of course, moral) education to the Santhals: that the Missionaries would superintend and direct this expenditure, at the same time doing or spending any thing more that they pleased on their own account.

"Believe me,

"Your's very truly,

(Signed) "W. GORDON YOUNG."

The subject having been fully considered, a Minute, explanatory of the scheme, was submitted to the Government of India by the Director of Public Instruction, and the decision of Government was communicated in the following terms—

"The Governor-General in Council, viewing the proposed measure as a grant-in-aid to a Missionary body for the secular education of an uncivilized tribe, considers it entirely in accordance with the views expressed in the Honorable Court's

Despatch of the 19th of July 1854, and differing in degree only, not in kind, from the grant already made to individual Missionaries for like purposes, with the Honorable Court's full approbation and sanction.

"His Lordship in Council is of opinion, that if the Church Missionary Society, or if any respectable person, or body of persons, undertake to establish good schools among the Santhals, the Government is bound to render very liberal assistance, in proportion to the extent to which the work may be carried, subject only to the inspection of the officers of the Education Department, and upon the condition that the Government in no way interferes with the religious instruction given, and that the expense of such instruction is borne by those who impart it.

"The special aid required for building schools and providing sites for them, as well as for obtaining the services of qualified secular teachers from England, seems to the Governor-General in Council quite proper, and the monthly allowance not exceeding 1000 rupees, which it is proposed in the first instance to assign for teachers, is probably no more than sufficient for the purpose in view.

"His Lordship in Council accordingly sanctions the proposed scheme as a wise and perfectly legitimate application of the principle of Grants-in-aid, and authorizes the Lieut.-Governor to carry it out forthwith.

"I have, &c.,

(Signed) "CECIL BEADON,

"Secretary to the Government of India.

"*Council Chamber, 28th Nov.* 1856."

The scheme thus sanctioned was substantially that on which all Grants-in-aid are made to Mission Schools, viz. the Government contributes aid for the secular teaching, and the Missionary Societies pay for the religious teaching; nor is there

any meaning in the Grant-in-aid system, upon any other arrangement.

To the Government of Bengal the plan was communicated by a letter from C. Beadon, Esq., Chief Secretary to the Government of India, to C. Buckland, Esq., Junior Secretary.

"Para. 1.—I am directed to acknowledge the receipt of your letter, No. 1304, dated 27th October last, forwarding, for the favourable consideration of the Government of India, with the Lieut.-Governor's strong recommendation, a scheme for the education of the Santhals through the agency of the Church Missionary Society.

"The outline of the scheme, as detailed in the Minute of the Secretary of the Society, is as follows."

(The scheme is then given as above.)

Upon the faith of these proceedings, immediate arrangements seem to have been made by Mr. Dröse, in concert with the local authorities, to carry into effect the scheme for establishing schools on the footing and terms agreed upon. Under date 14th May 1857, Mr. Dröse reported his progress in a communication from which the following passages are taken, and by which an opinion may be formed of the probable eventual success of the scheme.

From a place to which Mr. Yule, the Commissioner, had directed his attention—

"The people here dress better than about Bhalka, yet seem to be worse off. There is not much of cattle to be seen in this neighbourhood, no pigs, very few fowls, and many people look emaciated. There are a number of Santhals here, who look like low-caste Hindoos more than Santhals. I was

surprised to find the Santhals here on such very good terms with the hill people. In this place the Santhals drink most excessively, look downcast, and are very irritable. They have suffered much in consequence of the late rising. Here many Santhals, driven in by the troops, were killed; as also in this very neighbourhood many a Hindoo and Bengalee was made the victim of long suppressed Santhal revenge. The skulls and bones of the slain are still seen scattered about everywhere. The men here look altogether as if they could not be trusted. Hindu Banyas again begin to settle here. It is to be hoped they will not be overdoing and cheating the Santhals. Here about live just the kind of men who seem to be likely to follow any spirited fellow who would promise them another feast of revenge on Hindoo traders.

"The Mangha of the village Sulka, a very fair and shrewd-looking fellow, was the first to countenance the establishing of a school in that neighbourhood. He went with me into the adjacent villages, and proved of much service in talking the timid and suspicious out of their doubts and fears about having schools. Through his intervention, the Pergunnah also (head of a number of Manghees) was got over to declare himself in favour of schools, and it was soon agreed that a school should be established at Bhalka. About the middle of March a school was commenced with four boys, under a Sitrangie, put up near my tent. The number of boys increased soon to twenty; and when the school-house was ready, there were twenty-four boys, and several adults, to occupy the same during school hours.

"The people were plainly told that the object of their schools was not only to teach their children to read and to write, and to keep accounts, but especially also to teach them the knowledge of the great true Thakur (Lord), who would never deceive them with false promises as their late Thakur [the fanatical prophet who had excited the recent insurrection] had done. They expressed themselves quite satisfied with

having their children thus instructed, and said they themselves also would learn all about the great and true God."

From another spot—

"In establishing a school here I found no difficulty. Previous to my going there, I sent some of my people with Santhals from Bhalka and Sunder, more to tell what had been done for these villages. Also the Munga of Bhalka went over of his own accord, in order to talk with the Mungas of Dhamni and the adjacent villages. On my arrival, I found a school begun; and before I left the place, that is, after ten days' stay there, the school numbered nineteen boys in regular attendance."

From another place.

"Soon after my arrival among the people of the neighbourhood, the Mungas of some eight villages came in a body, to request me to fix for a school on any spot I chose. Every one would be happy to give for the school the needful patch of ground, and other assistance. I told the people I should fix on the most central village here: this fully satisfied them. I went then round to the several villages, and fixed on Choondhi. The Munga of that place, a fine tall old man, seemed highly delighted, and told me that his village had also been thought of as best for a school by all his brother Mungas. He offered at once a patch of ground, with a house on it, and thus the school could be begun at once. Before the number of boys will be too large to be accommodated in this house, the school-house will be built.

"Many having already begun, and having also no more *trustworthy* teachers available, I thought best to leave off establishing schools for this season.

"It is surprising to see how eager these people are to have their children instructed, and how readily they fall in with the idea of having one day the same God to worship which their rulers worship. The school-boys are everywhere, even before they know how to read, made to learn by heart the

Ten Commandments, the Lord's Prayer, and Bible passages; and the parents, when present, repeat all these together with their children. There is not the slightest fear of the Santhals ever objecting to the teaching of Christianity, unless they are taught to do so by Hindoos and Mahommedans. This, however, can be obviated by a judicious selection of teachers.

"It will be seen from the above that the difficulty lies, not in the inducing the Santhals to send their children to school, but that the difficulty lies in finding suitable teachers.

"There are Gurus and Lalas to be had plenty everywhere in the Santhal country, where Bunyas and Mahajans have settled. Any man that has failed in shopkeeping, or wants to set himself up for shopkeeping, will be eager to get the post of a Schoolmaster. But to consign to such hands the education of a race so simple and eager for instruction would be altogether thwarting the philanthropic intentions of Government. The common Hindoo teachers will, in the first place, make his pupils liars, as he himself is one: he will be more anxious to get children of his own people into the school, than the children of the Santhals, and in school, of course, more anxious to bring on those of his own creed. I have made this remark with a view to discourage the Government from getting up schools among the Santhals, besides the Mission Schools. Mr. Yule, our Commissioner, has established a school in Barasat, and I hope this will remain the only heathen school supported by Government.

"The Santhals everywhere, young and old, have expressed their willingness to be taught the Christian religion. They say it is the religion of their rulers, and much better than the religion of the Diggus (*viz.* troublers), as Hindoos and Mohammetans are invariably called by the Santhals. Why, then, should a Christian Government set up heathen schools, that is, schools where a heathen teacher, without Christian supervision, is allowed to influence the minds of the children?"

At this stage of the experiment, when a vigorous commencement, under the most auspicious circumstances, gave promise of the eventual success of the scheme, which had been so well considered and deliberately adopted, the following letter was received by the Calcutta Committee of the Society, notifying that under orders from the Court of Directors the scheme agreed upon, and actually in operation, was disapproved of by the Court, and "will, therefore, not take effect."

"*From the Junior Secretary to the Government of Bengal.*

"*To Rev. G. G. Cuthbert, Secretary Church Missionary Society.*

(*General Education.*) "*Dated Fort William, 7th Oct.* 1857.

"SIR,—I am directed by the Lieut.-Governor to transmit, for the information of the Church Missionary Society, the accompanying copy of a letter from the officiating Under-Secretary to the Governor of India in the Home Department, No. 1960, dated the 22d ultimo, giving cover to a Despatch from the Honorable the Court of Directors, disapproving of the scheme sanctioned by the Government in November last for the education of the Santhal Pergunnahs, through the agency of the Church Missionary Society. The proposed arrangement will therefore not take effect.

"I have the honour to be, Sir,

"Your most obedient Servant,

(Signed) "C. BUCKLAND,

"Junior Secretary to the Government of Bengal."

PRACTICAL OBSERVATIONS

ON

THE FIRST TWO

OF

THE PROPOSED RESOLUTIONS

ON THE

GOVERNMENT OF INDIA.

LONDON:
WILLIAM PENNY, 57, LINCOLN'S-INN FIELDS.
1858.

PRACTICAL OBSERVATIONS

ON THE

FIRST TWO OF THE PROPOSED RESOLUTIONS ON THE GOVERNMENT OF INDIA.

1. That, as the territories under the government of the East-India Company are by law to remain under such government only until Parliament shall otherwise provide;

From the terms of this resolution it might be supposed that the renewal of the Company's powers in 1853 was a mere temporary arrangement, and that the phrase "until Parliament should "otherwise provide," was the expression of an intention on the part of Parliament to provide otherwise, at some not remote period. But this is not the fact. As is well known, the words were only used to show that the powers of the Company were renewed for an indefinite period, and not, as on former occasions, for a definite period of twenty years.

It is no peculiarity of the East-India Company's authority, that it exists only until Parliament shall otherwise provide. This is the case with all our institutions; and is no more a reason for abolishing the East-India Company, than for abolishing the courts of justice, or trial by jury.

The first clause of the resolution thus appears to have for its object to excuse the proposed change, by giving to be understood that its expediency was duly considered and affirmed by a former Parliament, though no such consideration or affirmation took place.

this House is of opinion that it is expedient that the transfer of such government to the Crown should now take place,

The transfer of the "government" of India to the Crown is an improper expression. The government of India, like that of all the rest of the empire is already in the Crown. The power of the Crown, when actually exercised, is more absolute in India than in any other part of the British dominions, except perhaps Gibraltar, or some other mere military position without any local institutions.

It is the *administration,* not the *government* of India, which is carried on by the East-India Company; and the Company conducts it for and under the Crown. It is the *administration* of India which it is proposed should be taken from the Company, and made over bodily to a Minister of the Crown; contrary to the whole practice of the Constitution, according to which direct administration by the cabinet is limited to the general affairs of the empire, all local affairs being, wherever possible, administered by some intermediate body, constituted for the purpose, and exclusively devoted to it.

in order that the direct superintendence of the whole

The *superintendence* of the empire by the Crown, so far as concerns

empire may be placed under one executive authority.

India, is as direct and complete already, as any change could make it. The proposal is, that the superintendence should cease to be "superintendence," and should become direct administration. The word superintendence, as used in the Resolution, only serves to shelter the substitution of one idea for another totally distinct from it.

Is it true that the direct *administration* of all the affairs even of England, is "under one executive authority"? On the contrary, it is shared by a multitude of authorities.

The currency and paper credit of the country are, like all other great national concerns, under the *superintendence* of the Crown. But they are *administered* by the Bank of England.

The protection of the navigation of the country, by lighthouses, buoys, &c., is a matter of far too great national importance not to be *superintended* by the Crown; but it is *administered* by the corporation of the Trinity House.

The civil and criminal justice of the country is *superintended* by the Crown, and in part even administered by judges whom the Crown nominates, but whom it cannot remove. Justice however is also *administered,* not only by the county magistrates, but by independent juries, in whose appointment the Crown has no voice.

The public provision for the poor,

and the levy and expenditure of the poor-rates, are *superintended* by a Commissioner who is one of her Majesty's Cabinet Ministers; but they are *administered* by the Boards of Guardians throughout the country, and by the parochial officers, under the orders of the Boards of Guardians.

The railway communication of the country is *superintended* by her Majesty's Board of Trade; but it is *administered* by the Boards of Directors of the various railway companies, under the provisions of their several Acts of Parliament.

Finally, the colonies are *superintended* by the governors appointed by the Crown; but, with some insignificant exceptions, they are *administered* by local cabinets virtually chosen by the parliaments of those colonies, and responsible to them, in the same manner as the Cabinet of the British empire is responsible to, and is virtually chosen by, the British Parliament.

So far therefore is the administration of India for and under the Crown by an independent body, from being an exception to the general practice, and an anomaly in the Constitution, that the exception and the anomaly would lie in its being administered in any other manner. There is scarcely a single department of the business of the empire, except the army and navy, in which the authority of the cabinet

is not shared and in some degree checked, by some intermediate body. To establish the authority of a Cabinet Minister single and unchecked, over so vast a country as India, will be the introduction of a new practice, dangerous in the extreme to the stability of our free institutions, and subversive of the existing securities for the good government of the empire.

2nd. That for this purpose it is expedient to provide, that her Majesty, by one of her Principal Secretaries of State, shall have and perform all the powers and duties relating to the government of India, which are or may be now exercised and performed by the East-India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or with the approbation of the Commissioners for the Affairs of India.

This Resolution asserts two distinct propositions as if they were one and the same. One is that Her Majesty, by one of her Secretaries of State, should have all the powers now held by the East-India Company. The other is, that the Secretary of State should perform all the duties now performed by the Company.

The first proposition is nothing new, and requires no new legislation. The President of the Board of Control already has, with a few exceptions, all the powers of the East-India Company. Whatever act the Company can do, he also can do, except, in some cases, to incur expense; and whatever act the Company does, can only be done with his assent, except the recall of a Governor-General.

But, from possessing all the powers of the Company, to performing all its duties, there is a wide interval. The duties of the Company consist in initiating all Indian business, appointing all the highest functionaries in India, and preparing all orders and des-

patches to India for the approval of the Indian Minister. If Parliament resolves that these *duties* ought to be performed by the Crown, it resolves that the Minister of the Crown shall have the initiative, in addition to (what he already possesses) the ultimate decision. It resolves that there shall be no intermediate body which shall have any responsible share in the administration of India. It reduces the council which is provided for in the succeeding Resolutions, to a body of mere assessors, who may be consulted or not, as the Indian Minister pleases, and who will, at most, have no power but that of recording an unavailing dissent.

The great and fatal change in the government of India, from a government of constitutional checks to the autocracy of a Minister, will thus be effected by the first two Resolutions. If these pass, whether the remaining twelve are passed or not, will make very little practical difference.

These considerations forcibly suggest the propriety of postponing the first two Resolutions, until the other Resolutions shall have been discussed. The first two pledge the House to transfer the whole duty of administering India to an officer of the Crown. By the other Resolutions, the House will be asked to provide aids, and frame rules, to guide the officer of the Crown in the performance of the duty thus

intrusted to him. Would it not be wise in the House to begin by assuring itself that these aids and rules are sufficient, before pledging itself to confide the entire administration of a great portion of the British empire to a single Minister?

The preamble of a Bill is usually the last part voted. In the present case, the first two Resolutions are virtually a preamble; except that if passed they would be binding on the House even if all the other Resolutions were rejected; whereas the preamble of a Bill which does not pass, is never considered binding.

The first Resolution will pledge the House to abolish the present organ of Indian administration, before the House has begun to consider whether it can frame any new organ preferable to the present. The House will have bound itself to destroy the existing structure, before it has been asked to decide what shall be the plan of the new.

The second Resolution will decide that the new scheme of administration shall be the centralization of all functions in one man; before the House has had an opportunity of considering whether by any subsidiary organization, it can be made possible for one man to fulfil all these functions, or safe to intrust them to him.

The postponement therefore of the first two Resolutions, until the House

shall have discussed every provision of the new organization proposed by the remaining Resolutions, seems called for by every consideration of good sense and prudence.

LETTER

TO THE

EARL OF SHAFTESBURY,

ON THE

OPPRESSION OF THE CHRISTIANS IN THE DUCHY OF SLESWICK

BY THE DANISH GOVERNMENT.

BY

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LETTER, &c.

My Lord,

Over the whole of evangelical Christendom the Noble name you bear has so good a savour, and is the index of such sterling worth, that, without further introduction or apology, I venture to address your heart and conscience on a matter connected with the kingdom of Christ. The Christian sentiments and practical charity you have shewn in connection with many a righteous cause are widely celebrated; nothing, however, redounds more to your reputation than your heartfelt sympathy with the distress, and your effectual efforts for the succour, of oppressed Christians. It is on the strength of the confidence which these have inspired, that I now venture to submit to your earnest consideration the affliction of the Lutheran congregations in the Duchy of Sleswick.

This case is not of so simple and patent a kind as to need only a glance to awaken the compassion of all unprejudiced minds, and indicate with clearness and certainty where the hand of relief should be applied; on the contrary, it is in a high degree complex and interwoven with great and mighty political transactions. For this reason, a clear conception of its nature must first be acquired, and a sincere compassion for its victims diffused abroad, before we can reasonably expect that any effectual succour will be provided. In my opinion, however, its difficulty and entanglement are only additional arguments to shew that it both requires and deserves the earnest attention of believers.

By birth, and all my dearest recollections, I belong to Sleswick-Holstein, a country which has recently won for

itself a name, and for four years was intrusted with the spiritual superintendence and care of a Christian church in the very centre of the Duchy whose ecclesiastical oppression I intend to describe. During the period of my incumbency, I was one of a number of professional brethren who saw and recognised from afar the danger which others, yielding to delusions about the present and future, disregarded at the time, but which they have since been made to know and feel as an actual calamity. For our part, desiring to be found not as hirelings, but faithful shepherds, we did what we could while the danger was still at a distance, to ward it off, and for this purpose wielded the spiritual weapons at our command. The consequence has been, that we have fallen victims to our zeal for the Lord's house, have been deprived of our offices, and are now scattered to the four winds of heaven. For myself, it is true, the lines are fallen in pleasant places. The favour of my present sovereign opened to me a desirable field of labour, in which, for six years, I have found complete contentment. In this position, the hardships I experienced during the war have been long forgotten, and personally I have nothing more to wish. The distress, however, of those dear congregations in the midst of which I once laboured, and to which by birth I belong, lies as a burden upon my heart, and seems to me all the heavier, the more I contrast it with the happy tranquillity now allotted to myself. It is compassion for them which alone impells me to approach your Lordship.

In spirit, my Lord, I stretch my hand to you across the sea by a way with which you cannot be unacquainted. It is the same which in days of yore was traversed by the ships of the Angles, the Saxons, and the Frieslanders, when they visited and peopled the British Isles. I come to you from the original home of that Anglo-Saxonism which forms so important an element in the British character. To this hour, the part of the Duchy of Sleswick in which the yoke of the Danish power galls most severely the church of Christ, bears the name of *Anglen*. Can England remain indifferent to its fate? The Frieslanders of my native country still speak the language which has the closest affinity to that of the English Bible.

How then can English Christians say, we neither know you, nor care for the affliction of your church? One of the oldest relics of your literature is the war song of Beowulf, and the scene of its action is no other than the country whose oppression and suffering I am about to relate. Britain must not allege, It is a stranger land to me.

Besides, my Lord, it was in your metropolis that the treaty was signed which has given a kind of European sanction to the violent proceedings of the Danish Government against which we complain; and here I may also advert to what I shall afterwards shew, that these proceedings were not at least commenced without the positive official participation of the English Government. I will not discuss in how far the London protocol of May 8. 1852, infringed upon European law and sound policy; but I must not omit to say to the Christians of Britain, that the abolition of the independence of Sleswick and Holstein, which that treaty sanctioned "in the name of the holy and undivided Trinity," was the handle which has mainly enabled the Danes to perpetrate their excesses in those Duchies, and profane the church of Christ for the gratification of their own selfish desires. I do not indeed agree with those who throw the responsibility for the melancholy issue of the Sleswick-Holstein cause upon the politics of England; on the contrary, I recognise in that reproach, a high degree of prejudice and shortsightedness; just as little, however, can I wholly exculpate the British statesmen. The Earl of Malmesbury, who, on the part of Great Britain and Ireland, subscribed the fatal protocol, is reported to have said: "This treaty is a masterpiece, thank God, it was no work of mine; it is Palmerston's." If that be true, I hold that English Christians are bound to make good the injury done by English diplomatists to Sleswick-Holstein.

A third reason for addressing my complaint to you, is the expectation I entertain that you and your countrymen will form a much juster apprehension of the national aspect of the case, than, I lament to say, I have found among the theologians and Christians of Germany, although it is certainly one with which they are much more closely connected. In that

country at present the judgment, both of theologians and the generality of private Christians on great public questions, is wholly undeveloped, and therefore to a great extent, unripe. The consequence is, that they have been heard to applaud as the highest wisdom, a poor and defective theory—not unlike that of your own Filmer—on the divine right of absolute and hereditary monarchy, and the Christian duty of non-resistance. The Christians of England, however, have undergone too sharp and instructive a discipline in the school of life not to understand, that the relations of a believer's conscience to the events and transactions of a nation's history are of such a kind as cannot possibly be embodied in a few meagre formulas, which opposing factions may twist as they please to their own selfish purposes.

From this last consideration let me step at once into the case itself. No doubt the present deplorable condition of the evangelical churches in Sleswick may be considered apart altogether from the antecedent political embroilment; and, even in this point of view, would justly claim the compassion of every Christian heart. It is often indeed said, especially in Germany, "that as the Duchies chose to rebel against their rightful monarch, they must just make up their minds to suffer the bitter consequences of the crime." This, however, is a sophism, and is only urged to save the trouble of thinking or to conceal lukewarmness. It is refuted by the observation of a peasant of Anglen, who, as he was complaining one day to a Danish official of the manner in which the church and school of the country were devastated, was answered in the very style which Germans, and some who even lay claim to piety, would have used—"You richly deserve it for taking part with the leaders of the insurrection." "But, sir," rejoined the peasant, "if we did go wrong on that occasion, it shews that we have all the greater need of spiritual oversight and direction, and these are the very things of which you are forcibly depriving us." In point of fact, several of the conservative journals, which formerly denounced the insurrection as an ungodly rebellion, have for some time past, with one accord, been deploring the condition of the church and school in Sleswick, as revolting and intolerable. And

although the present lamentation of these parties is just as pithless and faint-hearted, as their former condemnation was light-minded and superficial, still it encourages me to hope that when English Christians, who are not likely to take the same prejudiced and narrow view of the national aspect of the case, come to direct their attention to the ecclesiastical affliction of a people, who are their own kindred, they will not turn away with cold and insensible heart from scenes where thousands, who invoke the same heavenly Father, are now weeping and sighing. Right well indeed do I know that the final decision of the question, "whether we raised a rebellion or rightfully resisted aggression?" belongs to the domain of civil law. Nor have we, the inhabitants of Sleswick-Holstein, failed to state reasons invincibly justifying the part we acted. I will even venture to affirm, that had English statesmen weighed with due pains and attention the justification we put forth, instead of surrendering their minds to the paltry arguments of Danish journalists, never would the London protocol have seen the light. On the civil law of the case, however, I will not here enter, because Christians have a different and a much more infallible criterion for deciding whether any popular movement is rebellion or justifiable self-defence. Here too the rule—"By their fruits shall ye know them," may be applied. Your Lordship, as an Englishman, must be aware what a nation is, and as a Christian, must be able to discriminate holy from unholy, and good from evil, and, therefore, I submit to your judgment, the following proofs of the rectitude of our cause.

The national clergy of Sleswick-Holstein, amounting to about 400 actually exercising the sacred office, enjoyed over the whole of Germany a good, and, I may venture to say, even a distinguished, name. At their head stood several men of great acquirements and decided faith, devoted with heart and mouth to the creed of their church; while in the midst of them there was a numerous band of preachers known and approved not merely in their congregations but in far wider circles for scientific knowledge and practical efficiency. With an exception scarcely deserving notice, all these clergymen, after serious and conscientious examination, publicly pronounced the

Sleswick-Holstein cause to be just and sacred. In the former Duchy they were compelled, by the conflict with the Danish power, which more than once during the disturbances obtained possession of the country, to declare themselves either for or against the national cause. They made their decision in its favour, although aware that by doing so, they imperilled both their office and their bread. In the latter Duchy, though subjected to no such external compulsion, the clergy yet felt constrained, by mere ecclesiastical fellowship, to proclaim their agreement in opinion with their Sleswick brethren. I ask your Lordship if this be not a fact before which every Christian conscience must halt, and ponder whether it be possible that 400 clergymen, known to the world as faithful and conscientious pastors, should have, unanimously, and at the risk of their subsistence, declared themselves in favour of what was a criminal and traitorous rebellion. It is indeed true that there are seasons of blindness in which even the elect stumble, and it has often been said, that we too were ensnared by the delusion of the day, which so universally and fatally infatuated the minds of men in Germany. This, however, is merely the light talk of ignorance, which will not take the pains to weigh either the origin or aim of our cause, or the motives and conduct of our clergy. In point of fact, we had nothing to do with the mania of the people's sovereignty which in other places threatened universal revolution. On the contrary, the banner under which we took our stand, was the law of our country and our prince ; and hence, when they were obliged to raise their voice for what they reverenced as a divine ordinance, the Sleswick-Holstein pastors never for a moment deserted the sacred posts assigned them in the house of God. The purity of our cause has also been demonstrated by its issue as well as by its origin. A hundred clergymen, including the two superintendents and all the other superior functionaries in the Duchy of Sleswick, were, without trial or sentence, deprived of their offices and livings, and, in many cases, subjected to other sore calamities by the cruel hand of power. Our cause, too, after being recognised to be founded on justice, and supported for two years by all the governments of Germany, was subsequently forsaken, and at

last condemned as unrighteous; and the public law, which we had defended as our divine right, broken to pieces in the council of the great European powers. Under these circumstances, we have had ample opportunity and inducement calmly to reflect, whether we were instigated by passion and recklessness in acting as we did, and the recollection of anything of the kind must have proved an intolerable weight upon our consciences. To this hour, however, I have never heard of a single one of my professional brethren and fellow-sufferers who repents of his conduct or repines under the affliction which it has brought upon him. The pastors ejected from Sleswick, and now scattered from Gotenburg to Jerusalem, have found in all countries situations and employment, and yet so far from having ever learned that any of them was deporting himself if he laboured under a wounded conscience, I know of the general, that in their new scenes of usefulness, they are earning universal respect and affection. A year ago, I publicly challenged the theologians who had condemned the part taken by the clergy of Sleswick-Holstein in the national cause, to revoke their opinion or confirm its truth by arguments drawn from the life and conversation which the exiles have since maintained, and which are open to public observation. No one, however, has had the fortitude to do either—a lamentable sign, how questionable must have been the courage with which they once so loudly and recklessly condemned us.

And how have their former flocks behaved to these banished and scattered pastors? Had they discovered that they were betrayed into an error by the advice and encouragement of their spiritual leaders, it may easily be supposed, that now, when they are universally reaping the bitter fruits of the part they took, they would pursue them with curses. Instead of this, they long after them, correspond with them, travel vast distances to visit them, and load them with gifts, and testimonials of respect. I here state facts known over the whole of Germany.

How, too, did the people in the Duchy of Sleswick comport themselves during the rebellion, as some please to call it?

Professional theologians and pietistical* clergymen, who hold national rights to be a profane idea—narrow-minded diplomists, in whose eyes the State is a mere machine, with no place for anything so new and vital as the popular element, do not possess the faculty for understanding a nation, and judging whether its acts are good or bad. Not so England. She has learned by direct self-intuition what the life of a people is, and neither is she ignorant of the destructive character of the powers by which, when in a state of revolution, a people is swayed, even though it has been roused by more important objects, and is actuated by nobler motives than was the case in France. From January 1848 to July 1850, the Duchy of Sleswick was under seven different governments; but although the changes were many, and some of them very abrupt, and although for most of the time the Duchy was also the seat of war, still law and justice—those sacred guardians of the common weal—uninterruptedly maintained their sway, order and tranquillity kept a steady course, and no excesses, worthy of mention, were ever committed. My own church was situated in the very midst of the political and military commotions, and, though I have many instances to relate of the high enthusiasm and the profound consternation of the people, never did any disturbance of religious ordinances come under my observation. It happened to me more than once to conduct the divine worship, and perform other duties of the sacred office, amidst the rattle of hostile musketry; but so far was the war from having any such effect as the profanation of holy things, that it rather impressed a deeper reverence for them upon the consciences of the people.

To one interval during this agitating period I must particularly direct attention, because the people of Sleswick were then subjected to a trial, such as has fallen to the lot of few, and in which they singularly manifested their sense of right. I allude here to the five months during which the country was governed by the so-called *Administration* (Landesverwaltung). This government had been forced upon us by the union of the foreign powers. The Regency which we acknowledged as rightfully ex-

* Designates a particular school in Prussia. In England, the author of this letter would be reckoned a *pietist* himself.

ercising the supreme authority, yielding to force, had retired into Holstein, and intimated to the public functionaries and the inhabitants generally to follow the dictates of their conscience. In these circumstances, the clergy and civil officers, with great unanimity, declared that they would yield obedience to the *Administration* (now supported by a considerable body of neutral troops), as being *de facto* the existing government, provided the rights and privileges of the country were respected. It soon appeared, however, that of the three constituent members of the *Administration*, the Danish commissioner influenced, at his will, the commissioners of Prussia and England, so that their measures all at once assumed a complexion entirely Danish, and, therefore, proportionally hostile to the nation. Upon this the entire body of functionaries refused their obedience, and the population of the whole southern western districts, which, owing to their Anglo-Saxon and Friesian descent, constitute, so to speak, the centre and mainspring of the Duchy, along with all the towns as far northwards as Königsaue, found themselves for conscience' sake absolved from obedience to the *Administration*. The consequence was, that although backed by the military then occupying the whole country, the Administration was not able to appoint so much as a postmaster, although the people were placing at the disposal of the Regency, then resident in Holstein, and not possessing authority over a foot of land in Sleswick, large sums of money, and the whole body of the native youth. This wholly absurd state of matters lasted, as we have said, five months, and yet during all that time, the restraints of law and order were never overstepped. In testimony of the fact, we can appeal to all Germany, whose generals and statesmen were eye-witnesses of our conduct, and reported it to their governments. I ask your Lordship, I ask the Christians of England, if these were like the fruits of an ungodly rebellion, and not rather of a high-minded and invincible sense of right?

And yet it is for the part we acted on that occasion that the church and school of Sleswick are now subjected to dreadful devastation. The system of violence commenced even under the so-called *administration*. Taking advantage of the

Danish sympathies in the northern part of the country, where the village population speaks Danish, and where a Danish propaganda had for a series of years been skilfully and vigorously at work, that body removed from their situations the ablest and most influential of the clergy and the schoolmasters. These men could be charged with absolutely not the slightest fault, save their adherence to the rights of the country,—the very rights which the *Administration* itself were bound to recognise,—and yet, from an official report I cite the fact, that, by order of the *Administration,* thirty-two depositions took place which, without law or sentence, deprived upwards of fifty incumbents of their ecclesiastic and scholastic offices. And what I must here emphatically note, these first acts of despotism against the kingdom of Christ in the Duchy of Sleswick were perpetrated under the joint-responsibility of the English Government, which was represented in the *Administration* by Colonel Hodges. Subsequently, when the army of Sleswick-Holstein was defeated and, by order of the great German powers, deprived of their arms, and when the Duchy of Sleswick was given up into the hands of the Danes, the same despotic measures were carried still further, and to this day, like a curse of persecution, they are crushing out the life of its churches.

A hundred clergymen in all parts of the country have been forcibly deposed, and at least an equal number of schoolmasters have shared the same fate. Had the vacancies thus created been supplied by men merely less able and less pious than those to whom they succeeded, and had matters, in other respects, been allowed to remain on their former footing, the evil would even then have been serious, although small when compared with the actual state of things. But the real mischief of the case lies in the principle which regulated the depositions and appointments of which we speak. The truth is, the greater the ability, and the more successful the labours of any functionary in the church and school of Sleswick, the more attached does he necessarily become to the rights and privileges of the people and the land; and inasmuch as this attachment to the national rights and privileges was the very thing which

the despotic system wanted to punish as a crime, the consequence was that it aimed its blow uniformly against the parties most distinguished for their talents, their faith, and their professional learning; and in the attempt to exercise club-law in the kingdom of Christ, shewed not merely indifference, but positive hostility, to the essential interests of the church and the school. Neither, when proceeding to fill the vacancies, could it possibly take into consideration in the candidates those qualifications which the sacred objects of these institutions demand, but looked always and with a chief regard to that which it was itself determined to secure at any price, viz. Danish predilection and subserviency to the designs of the Danish party. That, however, was the very thing which, of all others, was most hateful and repugnant to Sleswick-Holstein, as by three years of war it had demonstrated before the face of Europe.

Your Lordship will admit that the principle involved in these proceedings is hostile and contrary to both the Church and Christianity; and already has this been evinced in various ways much to be deplored. I discover it in some men whom, before these proceedings commenced, I knew to be spiritually-minded, and to have had the benefit of a sound education. They were imprudent enough, however, to intromit with the Danish system, and what has been the consequence? They have profaned and contaminated the anointing of the Spirit which they had received; they have made their sacred office subservient to the selfish designs of the Danish propaganda, and now they stand in their spheres of labour, objects of suspicion and hatred, and inefficient for all good. "If these things are done in the green tree, what will they do in the dry?" The consequence of secularising and profaning the sanctuary has been, that a multitude of most important offices, instituted to promote the highest interests of the nation, have fallen into the hands of men, not merely ignorant and incapable, but destitute of piety, and branded and contemned for their immoral lives. It is usual, when the rights and sufferings of Sleswick are spoken of, for the Danes and their partisans to refer to the north of the country, where the inhabi-

tants of the flat lands speak the Danish language and cherish Danish sympathies. I know, however, from witnesses of the highest credibility, that since the introduction of despotic rule into the church in these districts, congregations previously the most strict in their attendance, have deserted their places of worship, because the doctrine they heard from the pulpit was not Christian but Danish. That even there the most gifted preachers are addressing empty benches, because they are well known to lay more stress upon Danish politics than upon the gospel of the Saviour, and that flocks which were once edified by the teaching and walk of faithful pastors, are now troubled and laid waste by the scandals of the men who have been forcibly appointed their successors. I could relate a whole budget of the frivolities of these Danish and Danish-minded clergymen, the like of which, I am sure, was never heard in the evangelical church of any other country,—and for this good reason, that in no other country can the want of clerical decorum and dignity be so conveniently and securely marked by the pretext of zeal for government objects as in Sleswick, where it is notorious that the highest aim assigned to the church and the school is to propagate Danish sentiments and the Danish tongue.

Still more dreadfully, however, is the antichristian character of the system evinced by the compulsory measures adopted and enforced, with barbarous severity, against the native language. So early as the year 1851, an enactment was passed that the Danish tongue should be introduced into the churches and schools of a district containing a population of 10,000 souls, of whom both the old and the young knew no other than the German Bible, no other than the German Catechism, and no other than the German Psalm and Hymn Book. I ask your Lordship if a more revolting measure could be devised by any church government? As might naturally be expected, it raised a perfect storm of hatred and exasperation. The country, however, was in the hands of a haughty conqueror ; numerous patrols of military, and bands of skulking spies, traversed both the towns and rural districts, and every show of resistance to this brutal attempt at suppressing the native language was

looked upon as dangerous to the State. In defiance of every discouragement, however, many petitions were set on foot, which received 25,000 signatures. From one of these I quote the following sentences :—"We know that in most Christian countries there are societies for spreading the Gospel to the distant regions of the world, and that the missionaries sent forth are first instructed in the language of the heathen whom it is intended they should convert. This, however, is the very opposite of what is done in the Duchy of Sleswick ; for here the people are compelled to learn the language of the men who are appointed at Copenhagen to instruct them. We learn from the Gospel for Whitsunday that the Holy Spirit commanded the apostle assembled in the temple to speak in the tongues of the most various nations. We cannot believe that God, being the Go of truth, can be pleased with a language that does not come from the heart, or better pleased when we worship and adore Him in Danish, than in the language which we daily use, and in which we can best and most readily express our thoughts and feelings. Our duty as parents and heads of families will not permit us any longer to look in silence on innovations which are obstructing the spread and establishment of the faith, and degrading the church and school into the tools of a political faction." How is it possible not to recognise the truth and weight of these words? The minister for Sleswick, however, ordered the petitioners to be seized and imprisoned, and issued his decree in the words, "Not one iota shall be changed." So that the same unparalleled brutality still reigns in the church and school of the Duchy with no prospect of relief. In the Sleswick National Assembly now commencing its meetings, and whose free action the Danish despotism has of course reduced to the smallest possible minimum, two overtures on the subject of the language have been brought forward, one of which contains the following proposals :—"1st, That in places where the people notoriously and demonstrably speak German, that language, as the only one suitable for the purpose, shall be again introduced into the churches and schools ; and, 2dly, That in places where, previously to 1851, the German was the language used in the churches and schools, but where the Danish has

since been substituted, the people shall be permitted to determine by vote which of the two they wish to have." In order to understand the second of these proposals it is necessary to say, that there are many communities which, no doubt, use a Danish *patois* as the language of conversation, but know as a written language no other that the German, and to which, therefore, German is the spiritual idiom and Danish books quite unknown. Nothing surely can be more equitable and moderate than these proposals, and yet they have already roused the indignation of the Copenhagen journals, although it is quite certain that they will end in smoke, and that none know this better than those who have brought them forward. The truth is, that in Copenhagen and Denmark the dominant power has, since 1848, been the popular will, and that in the will of the Danish democracy, the chief ingredient is hatred to Germanism generally and particularly to the Germanism of the Duchies. This is the favourite and inviolable creed which no minister or popular advocate, no journalist, bishop, or preacher, must refuse to subscribe. No doubt there are men in that country who know right well that the churches in Sleswick suffer violence; but none of them dares to lift his voice, aware that by doing so, he would infallibly incur the hatred of the whole nation. A year ago I addressed three persons occupying high positions in Denmark, and who, I had every reason to suppose, knew and disapproved in their hearts of the crying injustice of which we complain. These were the civil minister Von Scheele, Bishop Martensen, and Propst Rudelbach. To this day the two last have kept silence; the answer of the first has been the prohibition of my appeal.

These facts will enable your Lordship to understand the dreadful violence which now afflicts the church of Christ in Sleswick, and you can have no difficulty in conceiving the large amount of petty grievances which the base and mercenary agents of the system superadd, at their own hands to the general measures for subjecting the ecclesiastical and scholastic institutions of the Duchy to the will of the Danish people. I will cite no more than a single instance, but it is one which cannot fail to touch at once the sympathies of English Chris-

tians. For a great many years a Bible Society existed in the town of Sleswick. It was founded at the suggestion of the parent institution in England, maintained regular intercourse with it by means of a corresponding member, and exercised a most beneficial influence over the whole country. This Sleswick-Holstein Bible Society the Danish Government has abolished, and what has become of the collection of bibles or of the large amount of funds I have not learned.

You will find no difficulty in figuring to yourself the unhallowed consequences of a despotism thus hostile to the church. In places of worship once full there are now three hearers. Congregations, which formerly numbered twelve hundred communicants, are reduced to twenty. Brutal means require to be employed to force children to school, which they hate because they are there taught the Danish tongue. A peasant in South Sleswick, receiving a visit from his former pastor, observed to him, "Sir, it makes my heart sore to see my Sunday coat hanging there upon the wall, and to think that I can no more put it on to hear the Word of God explained at church."

And what is all this bringing upon the country? England will understand me when I affirm that the public law is a sacred helmet to a nation. and wards off much corruption and ungodliness from its life. Indeed, we have the testimony of the prophet Daniel and of the apostle Paul, that this is the divine and spiritual power which prevents the outbreak of the wickedness of the last days. Take it with impious hand away, and a host of unclean spirits rush in; and woe to the people and the land where this takes place! That the law of Sleswick-Holstein was such a sacred barrier, was demonstrated to every unprejudiced spectator by the war which the little country so bravely waged in defence of it, and in which it sacrificed its wealth and its blood. That law the hand of violence has broken into pieces; and now the filthy spirits of cowardice and pusillanimity, distrust and irritation, sensuality and hatred, perfidy and flattery, falsehood, lying, and injustice, go about, like roaring lions, seeking whom they may devour. It is true that the violated law still survives in the hearts of the com-

munity, and that whoever permits himself to be ensnared by the evil spirits is looked upon as an apostate. But by what means can this state of purely inward sense of right be maintained, until, with God's help, the law shall be again restored, unless by the gospel and public education? At present, however, the doors of both church and school in Sleswick are guarded by a foreign language and a hostile feeling which deter all from entering; and thus the fountains of eternal life, from which the victims of injustice imbibe strength and courage not to faint or despair, have been poisoned by secular and ungodly mixtures. If this be not an affliction which cries aloud to heaven, I never heard of one. If here all Christian hearts do not bleed, I know not what charity is. We are making vast exertions to proclaim the gospel in heathen countries and on distant islands. We exhaust our strength and lavish our wealth in divers attempts to heal the wounds and bruises of those who have withdrawn themselves from the church's care. But what mean these mighty works of Christian charity, if without sincere and heartfelt pity,—that holy motion of the Spirit of Christ which never rests till it relieves, and which constitutes the only divine principle of all effectual relief to brethren in affliction,—we can look on and see lively and flourishing congregations, in the very heart of evangelical Christendom, laid waste by the ruthless hand of unrighteousness and falsehood, bearing the title of a government "by the grace of God!"

We live in times which, in many ways, remind us of the words of our Saviour, "Because iniquity shall abound the love of many shall wax cold." Often enough do we read in pamphlets and hear in speeches, that "If one member suffer all the members suffer with it;" but where do we find the truth and life of this saying of the apostle? The world of nations and states is sick unto death whether it wages war or enjoys the blessing of peace; but to Christians it must be an ominous sign, that the world is now itself recognising its wounds and infirmities, and becoming sensible of their pain. A time will also come in which it will fancy that its mortal sickness is perfect health, and then will the night set in in which no man can

any longer work. O that the spark of love, kindled by the Spirit, would flame up once more in the church of God! Marvellous powers would then come to light by which much of the evil that is in the world might be healed. The sacred flame, however, would certainly burn and blaze up in a moment, did we not incessantly quench and grieve the Holy Spirit by our sloth and carnal habits.

By her geographical position, not less than her past history, Britain has received the vocation to realise and exhibit in the presence of the nations the benediction connected with the name of Japhet, which consists in spreading the human race over the face of the earth. Let her understand and execute her divine vocation in a mere worldly spirit, and she will convert all her connections with the world of her God into channels of gain and luxury. In that case, however, Britain may behold in Tyre the type of her fate. Her ocean and her ships will have no power to prevent the seat of the world's commerce from becoming the prey of the world's conqueror. The only salt which can thoroughly and effectually counteract the tendency to this corruption is the Spirit of Christ, enlarging the hearts of believers, and filling them with thoughts of the kingdom of God, just as the hearts of the children of this world are filled with its pleasures and good things. And thanks and praise be unto the Father of our Lord Jesus Christ, that in Britain there are not merely bold adventurers who discover and explore, and brave warriors who subdue and prepare new paths over the length and breadth of the globe, but likewise heroes of faith, who emulate each other in consecrating all these discoveries into paths for our God. To the strength and fulness of this large-hearted world-embracing charity I turn with the sorrow burning in my bosom, and present the complaint which gushes from my inmost soul; and as the address by which that will most surely reach its destination, I write upon it your Lordship's honoured name. Permit me, in conclusion, to retain and express the hope, that just as certainly as these words of mine spring from no other source than the spirit of compassion and faith, so they may not die in the air or return unto me void, but, like a good seed, may find a

good soil on which to grow, and may flourish and bring forth fruit,—fruit that may rejoice the heart of my captive and forsaken brethren in Sleswick.

I remain,

With sincere respect and affection,

Your Lordship's

Most obedient and devoted Servant,

M. BAUMGARTEN.

Rostock, *22d Jan* 1857

EDINBURGH

PRINTED BY JOHN GREIG & SON, LAWNMARKET

THE NATIONAL GALLERY.

PURCHASE OF A POLLAIOLO,

AND

SIR CHARLES EASTLAKE'S

VIOLATION OF TUSCAN LAW.

BY

MORRIS MOORE.

PRINTED BY JOHN EDWARD TAYLOR,
LITTLE QUEEN STREET, LINCOLN'S INN FIELDS.
1857.

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THE NATIONAL GALLERY.

WHERE the Fine Art agents of the English Government pursue their vocation, there ridicule awaits us; and not ridicule alone. At Venice, dupes; at Florence, that distinction unabated, we figure in a charact still less enviable.

While Herr Otto Mündler, the Bavaro-British £1000 a year Art "travelling agent" was largessing cooks and chambermaids at Venice to celebrate the issue of seven months' travels from the Piazza di S. Marco to Ca' Pisani di S. Polo and *vice versâ*, Sir C. Eastlake his chief, *alias* "Le Chevalier Charles L. Eastlake, Président de l'Académie Royale, et Directeur de la Galerie Nationale de Londres," as he elaborately Gallicizes himself on the cards he scatters among Italian dealers —as though England famished for un-English officials!—was securing for us at Florence a picture by Pollaiolo, a quaint and unpleasant second-rate painter of the fifteenth century.* Like our £13,650 "Paolo di Ca' Pisani," this production is large. It was formerly

* On the 1st of August, 1855, Herr Mündler's chief recommendation, according to Mr. Wilson, was his being "well known in every city of the Continent." On the 7th of April, 1856, in reply to Mr. Bowyer's animadversions on the employment of this Bavarian, that very same Wilson had discovered that "Mr. Mündler must

in the chapel of the Pucci at the SS. Annunziata. Grim as the style, the subject is "The Martyrdom of St. Sebastian." The following translation from an official attestation, dated April 1857, will convey some idea of its condition :—

"About the end of the last century this picture suffered very great damage (*grandissimo deperimento*) from having been, by the hand of an ignorant person, ***washed with lye*** (ranno), by which, as the painting is in ***tempera*** (water-vehicle), the surface of the colouring was in great part taken from it. When in 1830 the guardians and administrators of the present Marchese Pucci ordered the repair of the chapel, they asked and obtained permission (from the Government) to remove the said picture from the altar and transport it to the Pucci palace, whither it was carried; and it was towards 1838 that the Administrators gave Signor Antonio Garagalli the commission to restore it, and they settled the terms at 300 scudi. Accordingly he put his hand to the work, and, as an essay of restoration, he did half of the Saint's figure; but the opinion of artists having been consulted upon the system he proposed to follow in his work, and these having disapproved of it, on account of the damages on the painting

surely be better calculated to act as agent than an English artist with a well-known name," for the "reason" that in dealing with the latter, the picture-sellers of the Continent would be more likely to make exorbitant demands. As though it were not the purchaser's intelligence that settled such questions! This time, then, the recently famous alien's *obscurity* was the "reason" for his appointment. His incognito would guarantee its economy. See how this Bavarian backs the "reasons" of his patrons! "Otto Mündler, *Commissaire-Expert* et Agent de la Galerie Nationale de Londres." Such is his own account of himself on the cards he flourishes in his travels. For the instruction of others who now would relieve him from the responsibility of his purchases, on the ground that he is but a passive agent, I take leave to say that "Commissaire-Expert" means, in its widest signification, "Connoisseur" and "Appraiser."

being in great part irremediable (*irremediabili*), he was so disheartened, that having found a way to disengage himself from his employers, the restoration was no further prosecuted. And the picture was ever afterwards seen at the house of the Marchese Pucci in the state in which Garagalli had left it."

The Committee of artists here alluded to consisted of Signori Giuseppe Bezzuoli and Cosimo Menitoni, Professors of the Florentine Academy, Domenico del Potestà, restorer of the Royal Pictures, and Emilio Burei, Inspector of the Royal Gallery of Statues, or Gallery of the "Uffizi."

Such is the condition of this Pollaiolo, and thus Public ought to see it—not tricked up by the "restorer." What else can be expected from one who reports to be "in excellent condition," "on the whole well preserved," "in perfect preservation," respectively (Eastlake's Rep. Civ. Serv. Estimates, 1856–57, pp. 53–55), such clumsily vamped-up objects as the Bianconi Botticelli, the Toffoli Paul Veronese, the Galvagna Bellini (cost £3208);—what else from one who, in a *second* guess at Botticelli—the so-called Botticelli purchased in October 1855 (*idem*) of one Browne, tea and picture dealer here—could be duped into squandering a further £331 upon a work so dilapidated and ungenuine, that every restorer in Florence who saw it, to a man pronounced it spurious and not worth repairing, and that like the Waagen chronological counterfeits heaped up in the "Rumpel-kammer" (lumber-room) of the Berlin Gallery, it remains to this day secreted from the Public?

The precise cost of the Pollaiolo I have not been

able to ascertain, but I hear that a sum of not less than 13,500 francesconi (about £3070) was drawn upon our Treasury through Fenzi, the Florentine banker, on the conclusion of the bargain. What follows I guarantee. Between the 1st and the 6th of October 1855, "Le Chevalier" Eastlake tendered for this picture 35,000 francs—£1400. The offer was rejected. All but a year's rumination ensued, though without prejudice to the "Chevalier's" discretion. A rival was impossible. The formidable style of the master, and the scarcely less formidable effect of *tempera scoured with lye*, forbade intrusion. On the 24th of September, 1856, "Le Chevalier" raised his bid to 45,000 francs—£1800. Again a refusal. The seller appreciated his opportunity. From the above we may infer that if this *now lye-proof* Pollaiolo did not absorb the whole 13,500 francesconi, its cost lies between 45,000 francs, and that sum. I have questioned some of the best authorities in Florence upon the commercial value of such a work here. The reply is, "2500 francesconi (about £600) at the utmost, *but without the scouring with lye*." And note, the price of Italian pictures is far higher in Italy than in England. My own experience of Pollaiolo enables me to pronounce the above estimate a liberal appraisement for any work by such a master. But there is a side to this transaction more grave than the waste of public money.

Violation of Law.

"Contravvenzione della Legge," "fraude," "trafugo"—violation of Law, fraud, carrying off by stealth!

Thus does Florence characterize the sale and disappearance of Pollaiolo's "Martyrdom of St. Sebastian." Even Officialism lays aside its reserve to echo the cry. But "sale" is a correlative term. How stand they who furnished its complement?

Under the portico which forms the façade of the celebrated Church of the SS. Annunziata are three doors. That on the left leads to the Cloisters, Convent, etc.; the central, to the vestibule of the Church, around which are the famous frescoes of Andrea del Sarto, and others by Cosimo Rosselli, Alessio Baldo vinetti, Franciabigio, Pontormo, and Il Rosso; that on the right, to a chapel dedicated in 1300 to St. bastian, the inner wall of which being common to both chapel and vestibule, consequently displays, on the side facing the latter, some of the frescoes above mentioned, namely the "Natività della Madonna," by Andrea del Sarto, the most beautiful of his works here, and the "Sposalizio," by Franciabigio, perhaps the happiest effort of this master. At the centre of this wall the monks possess an inlet to the chapel. The Chapel of St. Sebastian then is essentially a constituent part of the pile denominated "La Basilica Parrocchiale della SS. Annunziata." In 1452 the monks of the Annunziata ceded the titular proprietaryship of this chapel to the brothers Antonio and Dionisio of Puccio Pucci, men of great influence in those days, from their having linked themselves to the greatness of the Medici. Accordingly the Pucci enriched the chapel, and as the custom then was with great families to elect a patron saint, they placed themselves under the protection of St. Sebastian Martyr. In 1475, commissioned by the

Pucci, Antonio, or as an earlier author than Vasari affirms, his brother Pietro del Pollaiolo, painted for the altar the Martyrdom of the Saint. Hence the chapel became known as the "Cappella di S. Sebastiano de' Pucci."

As far back as 1602, or may be earlier, the Tuscan Government had shown itself alive to the importance of legislating upon the disposal of works of art. On the 26th of December, 1754, an edict was promulgated by the "Consiglio di Reggenza," prohibiting their exportation without an express permission from the Council, and fixing the penalties of contravention. "The Preservation to Florence and to the other Cities and Places (*Luoghi*) in the Grand-Duchy, of works illustrious and estimable for their antiquity and rarity was a matter of public honour (*decoro pubblico*); their unfettered exportation prejudicial to the same (*pregiudiciale al medesimo*)." The works specified in this edict were "Ancient Manuscripts, Inscriptions, Medals, Statues, Urns, Bas-reliefs, Torsi, Heads, Fragments, Fonts, Pedestals, Pictures, Antique Paintings, and all other rare works and things." In the case of any such works being for sale as were strictly private property, the Government merely reserved to itself, on the advent of a sufficient bidder, the option of purchase for the State, at the price offered. On the 4th of January, 1817, came further "Ordini" to the same effect. The Law on this subject having been repeatedly violated, the Government found it necessary on the 23rd of October, 1818, to issue the following veto recapitulating the penalties of contumacy:—

"NOTIFICATION.

"His Imperial and Royal Highness being informed that notwithstanding the Orders issued through the Secretary of the Royal Court, on the 4th of January, 1817, alienations of objects of Fine Art belonging to Places of Piety have occurred, and being resolved to prevent similar infractions of the Law from being repeated henceforth, to the prejudice of the said Establishments and of the National honour, has deigned by a note of the Royal Department of State of the 1st instant, to declare:—

"That remaining in its full vigour the inalienability already by the existing Laws expressly laid down with regard to Monuments of Art belonging to Royal Establishments to the Communities and Holy Places subject to the sa the prohibition to alienate like objects shall be understood to extend to all such as belong to Churches *and their annexments*, under whatsoever Patronage; to Religious Corporations of either sex, to Conservatoriums, to Trades, to Companies and Guilds, to Hospitals, and in general to all Institutions, whether Ecclesiastical, or of Public Piety, unless there shall first have been granted an express authorization through petition; upon which the competent authorities shall consult the Director of the Royal Gallery of Statues, who, when expedient, will order at the expense of the petitioner or petitioners, the inspection and appraisement of the object, the alienation of which has been asked.

"And the more effectually to secure the punctual observance of the Superior Commands above expressed, H. I. R. H. has ordained that in case of contravention, the purchaser shall be subjected to the loss of the object, now forfeit, and of the price paid; and the seller, to a fine equivalent to the price obtained from the sale; such fine to be applied, one half to the Accuser, public or secret, the other, to the benefit of the nearest Hospital; the Parish-Priests, the Heads of Trades, and in general, all the Chiefs

and administrators of the abovementioned Places of Piety being liable to pay out of their own resources, the same fine, should they at any time have rendered themselves the authors of similar Transgressions.

"V. Raffaelli.
"L. Pelli-Fabbroni."

"*From the I. and R. Court,*
"*October* 23*rd*, 1818.

This "Notification" was provident and patriotic without illiberality; for, save a commendable reservation, it threatened no restriction on commerce in works of Art. What man not himself insensible to patriotism, or not slave to a vicious policy, would violate, or abet in violating, so honourable a provision? For my own part, I would enlist in a general "League of all Nations" for detecting and visiting with punishment condign its contraveners. In June 1853 the new Tuscan Code was published, but by an oversight the Laws on the alienation of Works of Art were omitted. In Law therefore, though not in *honour*, they seemed abrogated. But the omission was not long unremedied. Already on the 17th of September of that same year, we find a Resolution of the Minister of Finance declaring: "That a doubt cannot be admitted that objects of Art, etc., existing in Sacred Edifices open to the Public, and of public appurtenance, as Cathedrals, *Parochial Churches*, and the like, and placed in them by private Piety, are by rule public property, be the person who so placed them who he may; and that when so deposited without any particular condition (*particolar condizione*), they cannot be removed at pleasure. Wherefore, objects of Art in such manner

collocated in Churches lose altogether the character of private property, and the rights of the Government to the same are those of a *real proprietor;* the property and the disposal of all things qualified as belonging to the public Domain, resting in the Government." On the 16th of April, 1854, followed a "Decreto Sovrano" reiterating with additional specifications of objects and penalties the injunctions on this subject. These Edicts, Notifications, Sovereign Decrees, etc., are brought to public cognizance by being affixed to the walls of the various Cities, etc., throughout Tuscany; when they forthwith become Law, as corrections, or ampliations of the existing Code. From all which it results:—

First. That since the "Cappella di S. Sebastiano de' Pucci" at the SS. Annunziata, as a constituent part of a "Parochial Church," is public property, and since Antonio and Dionisio Pucci deposited there the "Martyrdom of St. Sebastian," by Antonio, or by Pietro del Pollaiolo, "without any particular condition," this picture had, by Notification, October 23, 1818, Resolution, September 17, 1853, and Sovereign Decree, April 16, 1854, etc., above cited, "altogether lost the character of private property," and the Tuscan Government, as guardian and administrator of "all things qualified as belonging to the public Domain," had become its "real proprietor;" a sovereignty to which the guardians and administrators of the present Marchese Pucci paid in 1830 direct homage, by asking permission of the Government, as stated in the official attestation already quoted, before they ventured to remove it even for facilitating the necessary repairs of

the chapel; a permission obtained only on the understanding that, the restoration of the chapel and of the picture completed, the latter should be replaced on the altar.

Secondly. That in the face of the reiterated promulgation by the Tuscan Government of its views—not to mention the jealousy of the Italian Governments generally, notorious to all, with respect to the exportation of ancient works of Art—to sin against Tuscan law on this head deserves neither remission nor palliation. But Tuscany was soon to exemplify her meaning.

On the 28th of September, 1855, "Le Chevalier" Eastlake arrived at Florence. This was his maiden trip in search of "pedigrees," on his reinstalment as Chief of the National Gallery, subsequent to his second removal from office thence. On the 29th, he was led to the suppressed Convent of S. Giovanni Battista della Calza to see two pictures, the property of the annexed Church, which was, and is, open for Public Worship. These pictures therefore belonged to the "public Domain." One was a "Madonna and Child with Saints and Angels," by Domenico Ghirlandaio; the other, a "Crucifixion," by Perugino. The Convent of the Calza is under the jurisdiction of the Congregazione de' Sacerdoti di S. Salvadore. One Canonico Petrali, a divine of a genius as "speculative" as devout, and in contradistinction to a "spiritual," the administrator "temporal" of the Congregation, had been inspired to strip his church of its artistic ornaments, and barter them for dollars. As a preliminary in this temporal scheme, he quietly obtained at Rome a Dispensation for the sale, on the ground that the

Congregation was beset with temporal exigencies. In Tuscan law this Dispensation was null. On the 30th, the Priest haggled with the "Chevalier" over his Madonna. On the 1st of October, the price was settled by written agreement at 5400 francesconi, about £1200. Thus far the Canonico ventured, but he was too canonical to overtly brave the law. He therefore waited on the authorities, exhibited his singleness by submitting to them his Papal Dispensation, with that less heavenly instrument, the "Chevalier's" 5400 francesconi I O U on the English Treasury, and begged them to indorse his theories of public property. The Reverend Canon was referred to the La To get rid of the matter, however, the Tuscan Government, at once to administer to the alleged necessities of the Congregation and to forestall any embarrassment which a divine of the Canonico's orthodox temperament might stir up with the Holy See, took the Ghirlandaio for the Public Gallery at the price named in the English agreement; so that, like the rest of the artistic wealth of Tuscany, it is now the common property of the world. So striking a testimony to the picture's "pedigree" whetted the chronological appetite; for "pedigree" is the "Chevalier's" *Eureka* of *Art*. He "allowed his serenity to be disturbed." He had lost a "pedigree"! The might of the British Embassy was invoked to enforce the execution of his contract; and as the applicant was not unknown at Court, the question not the midnight violation of an Englishman's liberty by Prussian ruffians on the delation of a Coburg spy, nor Tuscany Republican America, British Diplomacy had the briskness not to

reply, "Come again tomorrow morning." An interview or two with M. Baldasseroni, the First Minister, served to convince Lord Normanby that Tuscan law lay on the side of Tuscan honour, and that the time was not ripe for enacting on the shores of Etruria, "The British Fleet and Pacifico's Stockings," or, "A Chinese Pirate the only *Civis Romanus*." Thus "Le Chevalier" Eastlake escaped "*corrupting* by a *classical* influence," the "early German Art" of his £2917 Krüger gems in general, and of his "Tom Ring the Younger" in particular. (*Eastlake's Evid. Com. on Fine Arts*, 1841, *q*. 634, and *Cat. of N. Gallery, No.* 264.) He had had signal experience however that the Tuscan Government claimed, and exercised, paramount authority over Church pictures, and that to abstract them without its "express permission" was to infringe the laws. How he applied this experience in the transaction of the Pollaiolo, we shall presently see. To remove all temptation to face us down with the plea of ignorance, here is evidence that the real position of that picture in particular had not escaped his penetration:—

First. It is the very backbone of the "chronological system" to grope for Art through "pedigree." Herr Mündler's postponing "pedigree" to purchase in the case of the £13,650 Pisani Paul, was abnormal. Presumptively then, the "Chevalier" had mastered every incident of the Pollaiolo's "pedigree" before closing for the picture; an inference corroborated by his having had the purchase under consideration for *at least* a twelvemonth; that is, from October the 6th, 1855, until September the 24th, 1856, the dates of his

two offers above quoted; the first of which, and therefore of most moment here, I have under his own hand.

Secondly. It would have been next to impossible to negotiate for this Pollaiolo without hearing that it belonged to the Chapel of St. Sebastian at the SS. Annunziata; that it therefore appertained to the "public domain;" and hence again, that it was inalienable without the "express permission" of the Government.

Thirdly. On the 6th of October, 1855, the date of his first offer, the "Chevalier" wrote: "It is to be understood *that the seller ensure* (che il venditore assicura) *the permission of extraction, or exportation of the picture for abroad.*" The "Chevalier" could scarcely mean that "the seller" was to "ensure the permission" from the seller's self! *That* license was already determined. If, then, not the seller's—whose? The *Government's*, the "real proprietor's." The "Chevalier" *knew*, then, that "the seller," namely, the Marchese Pucci, had not the right of sale.

Fourthly. On the 2nd of September, 1856, still hankering after the impossible Ghirlandaio, the "Chevalier" sent word to the Canonico Petralli that he "should be ready (*sarei pronto*) to give a further 1000 francesconi (about £230) for the Ghirlandaio, though he supposed he was now too late." In fact, the Government had appropriated it. "Nay, I should be disposed (*anzi sarei disposto*)," added he, "to give more, and to take both pictures (I mean the Perugino united to the Ghirlandaio,—intendo il Perugino unito al Ghirlandaio), *if permission could be obtained for their exportation.*" Again I ask, "permission" from whom? From the *Government*. *Another proof*

that he knew where to look for the "real proprietor" of Church pictures. On this occasion he plaintively remarked, that he "believed, but for his offer, there would never have been any thought of acquiring the Ghirlandaio for the Tuscan Government." Sage complaint! As though the Tuscan Government had proclaimed the intention to buy up, or to seize and centralize, all the Works of Art in Tuscany! Its determination is simply to prevent the exportation of such as may be of interest to the State. There is room for the retort that, but for the Ghirlandaio's having been Church property, and *therefore* in the "Chevalier's" eyes presumptively genuine, himself perhaps had never had "any thought of acquiring it."

Fifthly. On the day of his second offer for the Pollaiolo, namely, the 24th of September, 1856, the "Chevalier" was categorically told, that to bid for it were idle, since it was Church property, not Pucci's. This is from the "Chevalier's" instructor.

Sixthly. Who in Florence is not now a participator of the "secret," that it was a *sine quâ non* of the bargain, that Pucci was not to touch the money until intelligence had arrived here of the Pollaiolo's safe shipment at Leghorn? Is such the stipulation of an honest transaction? It points to "contravvenzione della Legge—fraude—trafugo." *Exclusively* in the interest of the *purchaser, it proves his complicity.* And now the crowning exploit.

A painted canvas stretched over it to cheat the eye, packed at midnight, each packer bribed with three francesconi not to "peach," and snugly covered with hay, the English trophy was smuggled to the sea.

For corrections or further particulars apply to the principals. The personage chosen by the "Chevalier" as his *alter ego* in his Florentine enterprises, is known to Florence as "Gigi di Madama Hombert," *ci-devant* cook at the old Hôtel d'Europe here, actual purveyor of *virtù* of every denomination, and by the verdict of his fellow-townsmen, of ingenuity unbounded. An incident to show the "Chevalier's" felicity in choosing his deputies. A whisper was circulating of the projected "trafugo," and the *ci-devant* cook suspected as the "Chevalier's" vicegerent. The embezzlement at its crisis, "Gigi" threw himself in the way of the Gallery officials, and outfaced the calumny by frankly admitting that the idea of selling the pictu had indeed occurred; pledging himself, however, as far as his *own* knowledge reached, that it had been abandoned. To what extent Britain's gratitude is taxed for this timely service, I have not learned. I think I hear it objected that the Tuscan Government should long since have claimed the replacement of the picture, or at least, on the rumour of Pucci's design, have seized it; and that the neglect of the latter proves indifference. The Tuscan Government did claim the replacement, and repeatedly; twice through the late Cavaliere Antonio Ramirez di Montalvo, Director of the I. R. Galleries of Uffizi and Pitti, and President of the I. R. Academy; once through the Marchese Bourbon del Monte, his successor. The claim was never contested. I have to learn that successful evasion cancels a debt, or that official procrastination consecrates robbery of the public. To have seized the picture, except *flagrante delicto*, had been to impeach the honour of every Tuscan gentleman. As to

indifference, the Tuscan Government, the "trafugo" now patent, has disposed of that, by initiating criminal proceedings against Pucci.

It has gone forth, that by an abuse of the confidence reposed in Embassies, whereby packages distinguished by an Ambassadorial mark are allowed unchallenged exit, the Pollaiolo was smuggled to Leghorn under the English seal. The imputation is, I hear, repupudiated; but people are unconvinced. "L'Angleterre ne fait pas trop bonne figure dans cette affaire," was lately the remark of an eminent person here, not a Tuscan. Language more direct had better fitted the occasion. Not her Embassy alone, all England, figures as an accomplice in these proceedings; and something less unsubstantial than a bare verbal denial is needed to clear her from the legerdemain instigated by her Fine Art representative. Tuscan law, regarding only the act, condemns purchaser and seller to the same penalties, but the former is the chief delinquent. For as there can be no sale without purchase, the conscious purchaser of embezzled goods, as the exciting cause, overtops his correlative as a violator of the law; a precedence in this case enhanced, since being but a delegate, "Le Chevalier" Eastlake has not merely disregarded his own, but has imperilled the honour of his principals,—I mean the English nation. I maintain that it was "Le Chevalier" Eastlake's imperative duty to seek in person that "express permission" which, to his perfect consciousness, as I have proved, Tuscan law demands; that England might face the noon, not steal away by midnight. Providential was that substitution of "Le Chevalier" for the English title! It suggests an *alibi*, and so may

screen us from some of the odium. I feel the objection of mixing with meaner considerations a question of principle, but even the sternest morality might be betrayed into some additional impatience on learning that this studied cheat was perpetrated, not for a work exemplifying the triumph of Art, but for the "pedigree" of an uncouth water-vehicle mediocrity *scoured with lye*. Not an unviolated Parthenon should England covet, if obtainable only by such means. Money is not the only ingredient in a bargain. Better to remain for ever unillumined by Art, than be pointed at as the abettors of midnight plunder; as a race so debased by Money-worship as to be insensible to aught but the guinea's sound, as to belie that gold is the panacea for wrong.

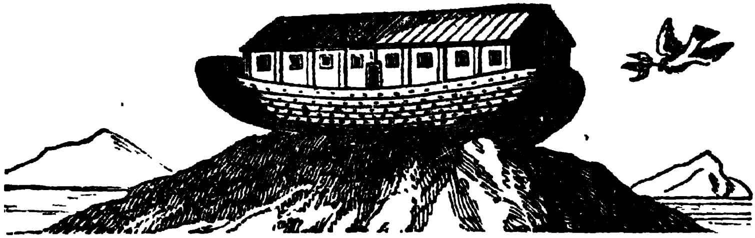
In the "Estimates, etc., Civil Services for the year ending 31st March, 1857," printed March 10, 1856, we had the following;—"Sum that will probably be required to enable the Trustees to purchase Pictures for the Gallery during the present year, £13,000." On the 6th of April this precise sum was voted; but between £4000 and £5000 more have been squandered, that "Le Chevalier" Eastlake, Mr. Wornum, and Herr Mündler, might multiply guesses at the requirements of a National Gallery, and vegetate among a legion of daubs, on the providential acquisition of a respectable work. Profusion is the only chance for these men. Yet this profligate abuse of revenue has served but to blazon the incompetency of the spendthrifts. I have canvassed Florence, and in reply to that Parliamentary assertion that Herr Mündler is "favourably known in every city of the Continent," I solemnly declare, defying refutation, that here, as at Venice, I

never heard, and I include men to whom their incompetency has been profitable, either this Bavarian or "Le Chevalier" Eastlake spoken of but with contempt. On the 12th of last month, Mr. Wilson said that "the increase this year for the National Gallery was £5526, and that it was occasioned by the Turner bequest;" and he further said, that "the Government was not responsible for the increase, since *every shilling* of the amount had been voted by the House of Commons, and resulted from the decisions and deliberations of Parliament." This in the face of his own printed Estimate for the "probably required" £13,000. Is it any wonder that we should be rotting at the extremities, when the core is so unsound? When men who ought to be models of candour, riot in the meanest of turpitudes? And now another foreign job is hatching. My authority is certain. There is a project to prop the Coburg nominees by fastening upon us an Italian travelling assistant to the Bavarian "travelling agent," an individual as incapable and as unscrupulous as they. The proof? Not long ago, plagiarizing others, the denouncer of Eastlake and his German confederates, this Italian is now their panegyrist and pander. Is decent pride extinct? Is there no feeling that revolts at surrendering one's country's intellectual claims to aliens? If not, then England subscribes Mr. Wilson's arrogant slander, that "*no* Englishman is equally eligible."

I am, yours obediently,

MORRIS MOORE.

Florence, July 13th, 1857.



CATECHISM
ON THE
BALLOT;
OR,
A LIST OF FALLACIES AND THE ANSWE

By Major-General Thompson, M.P. for Bradford,

Author of the "Catechism on the Corn Laws."

STEREOTYPE.—THIRD EDITION.

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1859.

To the Working and Industrious Classes,

this effort to advance their just Claims,

is dedicated by

their sincere Well-Wisher,

T. PERRONET THOMPSON.

Eliot Vale, Blackheath.
1 *Jan.*, 1859.

FALLACIES AGAINST THE BALLOT,

WITH THE ANSWERS.

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1. That bribery flourishes unchecked—because the public voice refuses to ratify the statute law.—*Edinburgh Review for Oct.* 1853. *Article, Parliamentary Purification,* p. 572.

Answer.—Bribery flourishes unchecked, because the statute law is directed to what is well known not to hinder it, and is refused to be directed to what would seriously damage it. Such at least is the position maintained by the demanders of the Ballot.

2. That the great fact that lies at the root of bribery, is this,—that a seat in the Legislature is an object of personal ambition, of earnest desire, on the part of the candidate.—*Id.* p. 574.

A.—The great fact that lies at the root of housebreaking, is that a seat in a tavern is an object of personal ambition, of earne[illegible] desire, on the part of the housebreaker. [illegible] that is no reason for letting him alone.

3. To share in the administration and the legislation for an Empire like that of Britain is—no man can deny it—an object of laudable desire.—*Id.*

A.—To sit at a comfortable t[illegible]s—no man can deny it—an object of laudable desire. But this has no bearing on the question of housebreaking to get there.

4. He is naturally grateful to all who aid him in his purpose.—*Id.*

A.—So is the housebreaker. Nothing is commoner than the elucidation of this fact.

5. He feels—he cannot help feeling—he would be a barbarian if he did not feel—*obliged* to those whose support has placed him where he so longed to be.—*Id.*

A.—True again to the uttermost. But this is no reason why the law should shut its eyes.

6. He desires to reward those to whom he owes his success;—they have furthered his objects: he naturally wishes to further theirs. The law forbids him to do this, or to promise to do this: it commands him to confine his gratitude to "words and becks and wreathed smiles;" it says to him, "you shall show no hospitality to those who are toiling and sweating in your cause: if you give them a breakfast, you shall be unseated; if you are detected in paying their expenses, or compensating them for the day's wages they have lost, or the mischievous enmity they have incurred in your service, you shall be fined and punished." Well! the verdict of public opinion will not ratify this language of the law: is it wholly unreasonable in this refusal?—*Id.*

A.—How would all this apply at the Old Bailey? A housebreaker hires a man to light his dark lantern, or carry his bag of tools; and in the exuberance of his natural feelings—which he would be a barbarian if he was without—gives him sixpence for his confederacy. Now, what the law punishes is not the act of natural obligation on either side, but the working together for the accomplishment of an act detrimental to society. A thief is to climb into the parliamentary fold;—and is he not to give sixpence to the man who lends him a leg? —Such is the argument. Which side of the case is intended to be the better for it?

7. The influences and allurements brought to bear upon the electors in order to affect their choice are of various kinds,—some legitimate, some immoral, some not altogether undue in their nature but exercised to an undue degree, some of a nature which it is not easy to class peremptorily under any of these categories. Sometimes votes are purchased by hard cash,—sometimes they are obtained by the promise of a pri-

A.—Useful reading all, for those who want the remedy. For the fallacy in preparation by it, see the next.

vate or a Government appointment; sometimes the elector is cajoled out of his suffrage by "soft sawder"—sometimes by oratorical flummery—sometimes by dishonourable beer; often votes are obtained by fraud—oftener by force; the tenant is pressed by the well-founded fear of losing his farm—the workman is coerced by the threat of being dismissed from his employment—the shopman by the dread of losing his custom—the debtor by the prospect of being called upon to pay an inconvenient debt; the courteous voter is influenced by the wish to oblige a neighbour—the poor man by the wish to show respect and gratitude to a kind and considerate landlord—the ignorant man, if he is humble, by deference to the arguments of those he knows to be honest and well-informed—if he is vain and suspicious, by the representations of the inflammatory spouter;—property, custom, money, hope, gratitude, wisdom, virtue, the high arts of the statesman, the low arts of the demagogue—all play their part in the great struggle, all exercise their influence over the choice of the hapless elector.—*Id.* p. 570.

8. To obtain a perfectly spontaneous and unbiassed choice, *all* these extrinsic influences ought to be suppressed; but this is at once felt to be impossible, even were it desirable.—*Id.* p. 571.

A.—A confusion is in the word "spontaneous." To obtain a perfectly spontaneous and unbiassed choice whether a man shall work on a given day or make holiday, he must not take his wife and children into counsel. But this is a different thing from being obliged to work by order of the slaveowner.

9. Another consideration, also, inevitably withholds public sentiment from sanctioning the enactment of any very stringent laws against bribery at elections,—or at least the rigorous execution of such laws,—the consideration, namely, that these laws can only strike the *least guilty*.—*Id.* p. 583.

A.—The thing all the guilty want to keep clear of, is the provision which would weaken the chances of success for both the parties to the crime. What both parties fear, is what would reduce the value of stolen goods in the market. Therefore, No Ballot! And no very stringent laws!

10. That the ballot is only a machine for enabling a man to *tell a lie without being found out*.—*Id.* p. 610.

A.—An appeal to the interests of morality.

In London, and probably other places, are shops where servants and labourers are invited by placards, often of elaborate construction, to sell for "Most Money" the produce of their pilferings. Suppose it were possible to oblige the pilferers to throw their wares down a common pipe, thus cutting them off from the power of demonstrating to the purchaser, by anything but their own affirmation, that they had really been the contributors of the things they claimed for. This would be checking thieving by the Ballot. Forth then steps the anxious moralist, and says, "Have you considered what an enormous quantity of lying you would occasion? There would be an end of all confidence between the thief and the thief's paymaster. It would be striking at the basis of human society! Would you make a machine for enabling a thief to *tell a lie without being found out*?"

Would not any reasonable man reply, that the thief would be saved the trouble of lying, because he would see no chance of being believed?

11. That the vote ought to be inclosed in an envelope with the voter's name outside, which should not be opened till "the end of six weeks or two months."—*Memorandum on the Subject of Polling Papers. Addressed to the Poor-law Board. Return to the House of Commons, May,* 1855.

A.—A little girl said she would play at Blindman's Buff, if she might have two holes for her eyes.

Was it supposed anybody would take the proposed plan for the Ballot?

12. That every voter ought to consider that he had a public duty to discharge in the exercise of his vote.—*Bath Election.* From *Keene's Bath Journal*, 9 June, 1855.

A.—Every man has a public duty to perform, in every act with which the public is concerned. But when the public desires the duty to be discharged without impediment from threats or bribes, precisely because it is a public duty it enforces the ballot. Witness the case of naval and military officers.

13. He said to all of them who had no votes that they had a right to know how the

A.—If the object is that they may look to the franchise being well exercised, all the

franchise was exercised by those who possessed it.—*Id.*

men who have no votes at a court martial have the same kind of right to know how each member votes. But they surrender that right for the sake of a greater good. The aim of the orator plainly was, to engage the assent of the mass who have no votes, the seven men out of eight who are the negroes of the Constitution. They were to be told they had a right to such influence over the voters as the knowledge of the votes might give. The fact being, that where *their* influence was to be a pound, that of their adversaries was to be a hundredweight. And to preserve this balance in their disfavour, they are to throw up their caps against the ballot.

14. If this were not so, let any man answer him this—If the voter was to be allowed to exercise his franchise by ballot, why should not the member of Parliament record his votes in the same way, because he only exercises a trust of a higher character?—*Id.*

A.—If every seven men who have now no votes were told to choose an elector, there would be some parity between the cases. He who is allowed to choose another has a claim to know how he executes his trust. But he who is not allowed to choose, will not mend the case by being allowed to bully and tempt. In one sense, every act of a man's life is a trust; but it does not follow that no man shall do anything without asking his neighbours. There must be a fee simple somewhere. If it is not where it ought to be, make it so.

15. If the voter had the Ballot, why should not the member of Parliament have the same protection?—*Id.*

A.—Because one would be a protection for good, and the other for evil. The conscientious voter wants protection for doing his duty. Does anybody pretend that the conscientious member of Parliament wants the same?

16. It was said, you ballot in clubs. True; but in clubs it was a mere question whether a man was agreeable or not.—*Id.*

A.—The question is not about the subject to be voted on, but about the way the aristocracy take to protect themselves when they have to vote. The gentlemen know how to take care of themselves; but the man of low degree is to be left to take his chance.

17. But with the voter it was a question of public trust, in which the interests of non-electors and electors were alike concerned.—*Id.*

A.—The interests of neither electors nor non-electors are concerned in the elector being bullied. And the interests of neither electors nor non-electors are concerned in the elector being bribed. Go and tell the gentlemen at the clubs, that the interest of somebody else is concerned, in knowing how they vote with the fear of a bullet in the midriff.

18. Moreover, it was the refuge of the coward.—*Id.*

A.—Which is the reason the gentlemen at the clubs have recourse to it, and the law applies it to the officers of the army and navy.

19. He knew many hundreds of men in this place—honest men—who chose to have known the principles they professed; and he would say that the Ballot had never been tried yet in any country where the object was to promote secrecy.—*Id.*

A.—Some men's meat and drink is to make profession of their principles. Nobody wants to hinder them. Some men find it dangerous and inconvenient; and they want to be protected. Some men have had a call to martyrdom; but that is no reason for making provision as far as possible for everybody's being burnt. The Ballot is demanded, not for those who do not want it, but for those who do.

20. It was well known that when the vote was taken by Ballot in France, there were 300,000 more voting papers sent in than there were people to give them.

A.—Whose fault was that? If men leave their gates open, the pigs will get in. But is that a reason why other men should have no gates?

21. So it was in America. The Know-nothing party there voted with a green

A.—It appears that in America the pretended ballot was no ballot. And that is

paper, and the Loco-foco with a yellow, and the Ballot was introduced there not for the purpose of securing secrecy to the voter, but because the means of communication were not sufficient to enable all the votes to be collected in one day, and for that reason voting papers had been adopted.—*Id.*

given as a reason why in England there should be no ballot at all.—It is hard to find the perfection of reason in this.

22. The Ballot would make us a nation of hypocrites if it were in existence. If a man were asked how he voted by his landlord for instance, he might if he were hypocrite enough say he had voted for Tite when in fact he had voted for Whateley.—*Id.*

A.—Does sealing letters for the post-office make us a nation of hypocrites? If men were asked by their landlords what they put in their sealed letters, most Englishmen would resist the impertinence in a way that would make it unlikely to be repeated. And so it would be with the Ballot.

23. That the Ballot is an unworthy institution since it has elected the Emperor of the French.—*Report of Debates in Commons.* "Times" of 23 May, 1855.

A.—Nobody believes it was the Ballot. Everybody believes it was under the influence of fear and gunpowder.

24. That the Ballot is no longer necessary, from the increasing virtue of the upper classes.—*Id.*

A.—If the upper classes are so virtuous that secrecy is no longer necessary, why do they defend the present practice like the apple of their eye?

Questions are introduced which it would be difficult to see had any connection with the Ballot—such, for instance, as the state of the army in the Crimea and administrative reform (a laugh.)—*Id.*

A.—The theory then is, that the state of the army in the Crimea and administrative reform have no connection with the due or undue exercise of the right of representation. Make a note of it, for the benefit of the laughers another time.

26. That publicity is the main essence of the representative system.—*Id.*

A.—Is there not a fraud in confounding the representative with the elector? Their relations seem as different as those of debtor and creditor.

Is the elector's being kicked, the main essence of the representative system? Is the elector's being bribed, the main essence of the representative system? If they are, the publicity which secures them may be so too.

Some people think, that if the voter has a right to vote, he has a right to vote without being kicked. Some people think, that if he is to choose a legislator for the public, it is good he should do it with as little chance of bribery as may be. Some even go the length of thinking these are of the main essence. Will anybody tell us how the voter is to do better for being either kicked or bribed?

Fancy somebody proposing the improvement. Here is a man who is a fit and proper person to vote for a seat in the legislative body. How are we to sharpen his intellect, and increase his singleness of eye? Kick him and bribe him, say our counsellors; or, which comes to the same thing, leave the door open for its being done.

Remark, that the Ballot leaves the voter as accessible as ever to all arguments directed to his reason. What it cuts off is the argument addressed to the parts which are to be bared for the blow, or to his prospect of being duly paid for his vote. Will any party admit in its own case, that voters conscientiously inclined to favour it, will be mended by being exposed to these appliances from the adversary? If none, then the plea is only that of people calculating that the balance of wrong-doing will be in their favour.

But it is good that the voter should go through great tribulation. It is desirable that something like a crown of martyrdom should be made for him. Does anybody wish himself or friends this kind of crown? And is it not the same argument as defends Slavery on the ground of the virtues it exercises in the sufferers,—or should encourage theft as the means of making men sit lightly to worldly goods, and plague, pestilence and famine as cultivating patience and resignation? There are plenty of occasions for the exercise of these virtues, without making them by law.

In the Life of Alexander by Quintus Curtius, is a story of a man, who after giving his evidence to the best of his ability, was put to the torture, to see if he "would

say the same under torment" (*in tormentis quoque diceret*). In like manner, with the voter, it is held necessary to see whether he will vote the same under torment. The vote under torment, is to be the true and proper thing.

27. At present the conduct of the highest personages in the realm was open to be canvassed by the public and by the press; even the most insignificant were not exempt from criticism.—*Id.*

A.—Therefore demand that every oppressor shall have a critical knowledge of what is doing by his serf, and no man escape his due portion of the knout. In Russia men write on the outside of their letters, who it is from, as well as who it is to; in order that the government may know what the most insignificant are doing. Might not this, on publicity principles, be a thing worth copying?

When the public and the press have a right to canvass, it is because somebody has an honest interest in knowing what a man does. But nobody has an honest interest in knowing in which pocket he carries his purse, or what night in the week he brings home money from his banker's. So nobody has an honest interest in knowing whether an elector has pleased or displeased his landlord, or a drunken voter has duly earned his beer. And what is more, the honest interest is strongly the other way.

28. And who were the persons whose conduct it was proposed to free from public examination? There was one particular class of persons, and one particular action that ought to be concealed—that particular action being the production of a member of Parliament. (A laugh.) He was to be hatched in the dark; nobody was to know how he was produced, and everything connected with his production was to be conducted with secrecy, until he made his appearance from the ballot-box.—*Id.*

A.—There are at least two classes and two actions in the teeth of this position. There are the "gentlemen," who take especial care to secure themselves by the ballot when they vote on their own affairs, and then ri[illegible] off upon the plea that it was only the agu[illegible] able which was concerned. And the[illegible]re the members of naval and militar[illegible]urts, on whom the law imposes secr[illegible] for the special reason that the public is interested in the result of their proceedings.

29. And who were the parties whose conduct was to be exempted from examination? They were the 10*l.* householders—the retail dealers of the country. (Laughter.) Latterly it had been the custom to attack various classes of society. The aristocracy had been attacked, the army had been attacked, and the navy had been attacked, and now he wished to say a word about the retail dealers. Without attacking them himself, he would call into court a gentleman who was no opponent of the retail dealer, who was neither a Conservative nor a Whig, but who was a strong Radical—namely, the editor of the *Lancet*—who told the public that every article of food, every article of medicine, of clothing, and of furniture obtained from the retail dealer was contaminated and corrupted (laughter and cheers); that wherever there was the possibility of concealment there was the practice of fraud. (Renewed laughter.) These were the class of persons with respect to whom it was said, "Let them have complete concealment and secrecy."—*Id.*

A.—Take this as a specimen of argument and policy. Lay it on the table of every 10*l.* householder, and ask him what he thinks of it, and ask his wife and daughters. Let it be assumed for argument's sake that 10*l.* householders are all shabby fellows, who corrupt everything they sell, and adulterate all their drugs. But how does that prove the public to be a judge whether John or Thomas voted properly or improperly in voting for Mr. A. or Mr. B.? One half the public will say one way, and half the other; and what is to come out of their joint action? If the public knows that John or Thomas adulterates his drugs, all the public will be against him, and therefore it would be well the public knew. But if it knows that he voted for Mr. A. or Mr. B., half the public will say he was a fine fellow. So that, as concerns the public, there is no result.

30. It was said that they were forced into dishonest measures by the pressure placed upon them; but he wished to ask who it was who forced them to corrupt everything they sold and to adulterate all their drugs. (Laughter and cheers.)—*Id.*

A.—A man is suspected of sanding his sugar; therefore place a pressure on him which shall force him to give a dishonest vote.—This is the argument, if there is any.

31. Competition and the attempt to undersell one another were said to be the causes which forced the retail dealer to adulterate his goods; but there no competition for seats in Parliament? (Hear.)

A.—And therefore, ought not the competitor for a seat in Parliament to have his roguery too?—As before, this is the argument, if there is one.

32. A memorandum had been obtained from some Ballot Committee in which an opinion was given that bribery took place at every election, though there was not in all cases legal proof; but it was very well known that at every election the unsuccessful candidate said he had been defeated by unfair means, and regretted that he had no legal proof that bribery had taken place. (Laughter.)—*Id.*

A.—Unfair practices take place on every race-course; at all events there is hardly a loser who does not complain of having suffered from them. Therefore, make a law for the encouragement of unfair practices.

33. Now, what was the position in which the adoption of the principle of secret voting would place the honest and independent voter? Under the existing system a man of character and consistency carried with him great weight, and his vote was of considerable value in an election; but, if the measure of the member for Bristol was successful, that man would be reduced to the same level of degradation as the corrupt and dishonest voter. (Hear, hear.)—*Id.*

A.—Let there be thieving, in order that honest men may be duly distinguished. If thieving were put down, the honest man would be reduced to a level with the thief.

34. At present the great difficulty was bring the electors to vote. They would o to the poll—not because they were afraid but because they did not think it worth while, and because they took no interest in the contests.—*Id.*

A.—At a fair average, one-fourth of the electors stay away from the poll to avoid the consequences of voting. Another common way with men engaged in trade, is for one member of the firm to vote one way and one the other. "No Sir, *I* vote *blue*. It is my brother that votes *orange*."

35. At the last general election that was very generally the case; and if the honourable members were really desirous of raising the character of the voter, they would endeavour to show him that the proper way to enforce his opinions would be for him to come forward and have the manliness to avow them. (Hear, hear.)—*Id.*

A.—That is to say, the men who are declared to take no interest in the contest, and do not think it worth while to vote, are to be spirited up by the demonstration, that the way to enforce their no opinions, is to have the manliness &c.

36. It was not by secrecy and concealment that the liberties at present enjoyed by the country had been obtained.—*Id.*

A.—It was not by doing the best to hinder them, that the liberties enjoyed were obtained. Perhaps the orator intended the principle, that "the blood of the martyrs is the seed of the church." If so, let him tell us plainly that he is arguing for our martyrdom.

37. And he did not think that the philosophy of Bentham, which had been quoted by the hon. member in support of his proposition, had been so powerful and successful that it ought to be adopted on all occasions.—*Id.*

A.—Bentham's philosophy is, that what is for the general happiness is good. The noble orator is a Bentham in his way; he maintains that for the voter to continue exposed to bullying and bribery is for the general happiness. It remains only to see which Bentham wins.

38. On the contrary, he thought that the frippery of Bentham's philosophy had been torn to rags, and that there was but little of it left that was worth anything. The memory of Bentham had almost faded away, and he was now considered as a writer of perplexed philosophy, whose doctrines with regard to religion were hostile to Christianity.—*Id.*

A.—Where will the frippery of the Anti-Ballot be a dozen years hence? With the Corn Laws and the "peculiar institution." Perhaps the Ballot, like Anti-Slavery, will be proved "hostile to Christianity."

39. He believed that the whole question of the ballot lay in a nutshell, and that it was simply this,—whether they would pass a law by which the system of bribery should be perpetuated for ever without the possibility of detection.—*Id.*

A.—Do not shut your gates, for you will shut the pigs in. The question is whether gates can be best applied, to keep the pigs in, or out.

40. That any election agent concerned for gentlemen on either side of the house would tell them the price in pounds, shillings, and pence of every borough, and, perhaps, county, too, in the country, if they would only give him the ballot.—*Id.*

A.—Try. The election agents will soon tell you, whether more are kept in, or out.

41. That the arguments on which the ballot has been resisted are so conclusive in their nature that you might as well complain that there is nothing new in the demonstrations of Euclid. (A laugh.)—*Id.*

A.—The question is not whether they were new, but whether they were conclusive. The world is paved with fragments of old conclusions.

42. My objection to the ballot is that which has been before stated—that publicity and the responsibility of public opinion is an essential principle of the election of members of this House.—*Id.*

A.—To put this in the most favourable light, it means that it is good that one man in eight have the vote, and the other seven have the power of operating on him by the only means dependent on the knowledge of his vote, bullying or bribery. If the seven are to operate by their persuasive powers, they can do it as well under the Ballot.

No man is responsible to public opinion for voting for Mr. A. or Mr. B. There is no public opinion to which he is responsible; public opinion has no opinion upon the subject. Half the public opine one way and half the other. We are looking for public opinion to settle itself, and cannot refer to it till this is done. Wisely therefore it is proposed that as the means of doing this, some set of men shall vote according to their own judgment. Will any man show what the public opinion is, which is to direct John Stiles to vote for Mr. A. or Mr. B.? Till this is done, the whole invention of the responsibility of electors is a pious fraud.

43. I hold, in opposition to the member for Bristol, that the privilege of election is a trust confided by law to a certain portion of the community, not for their own benefit, but for the benefit of the nation at large. (Cheers.)—*Id.*

A.—The member for Bristol never opposed this at all. On the contrary, he stood upon the fact that the vote was to be for the benefit of the nation at large. And therefore, said he, do not bully or bribe your voter, more than can be helped.

44. I hold, therefore, that every man who is invested with a public trust ought to discharge that trust in the face of the country (renewed cheering); and every man should know how such a man has acted, and why he has so acted, in discharge of his trust.—*Id.*

A.—If that be the best way to have the trust discharged; and if not, not.

See how the law proceeds elsewhere. In the case of the members of a court martial, nobody doubts that there is a public trust to be discharged. Does the law therefore say, "Let every man know how each man has acted, and why he has so acted, in discharge of his trust"? It says bind every man by an oath, not to reveal how either he or any of his fellows acted. And it does this in the one case, and in the other it does not, because the legislators in the one case want to put down an evil, and in the other not.

Why is no record published of the votes of individual jurymen? It might be very useful, in a land of Shanavats.

45. It has often been proved that, though there may be in the present mode of voting bribery in some cases and intimidation in others, secret voting would not eradicate either of these evils. (Hear, hear.)—*Id.*

A.—It has often been proved, that though in some present mode of cultivation there may be thistles in one corner and nettles in another, paring and burning will not eradicate either one or the other.

That is to say, it will not eradicate them all. There will still be specimens of both for the botanist. But the question was, whether it would not do serious good.

46. We are often told, although I have not heard it to-night, that we ought to follow the example of the United States, and that in the United States votes are given by ballot. That is a complete mistake, as bearing on the proposal now under consideration. It is perfectly true that in the United States votes are given by ballot, but they do not profess to be secret. Secrecy is not the object; it is convenience, in order that votes may be given at elections going on at different places at the same time.—*Id.*

A.—There has been a mail from the United States since this. Ask the Ballot Society at 5, Guildhall Chambers, for the answer of the Hon. Amasa Walker, late Secretary of State for the Commonwealth of Massachusetts, to the inquiries transmitted to him.

In America, as in England, there is a party which wishes the voting to be free, and a party which wishes to do all it can to hinder it. And various have been the tricks resorted to, to render the ballot inefficient. But this no more amounts to an abdication of the principle, than the existence of the swell mob in England amounts to an abdication of the rights of property.

47. So far from votes being secret, it is as well known in the United States how every man votes as it is in this country; and the electors of the United States are as proud of their votes as are the electors of England, and would scorn to have their votes recorded under secrecy.—*Id.*

A.—Men in the United States are as fond of spending their money when they like it, as men in England. But men, neither in the United States nor England, are proud of having their pockets picked, or scorn to have the power of keeping their money when it suits them. They can turn out the contents of their pockets when they like it, without a peculiar institution.

[illegible] Is it proposed here that the ballot should be compulsory?—that every voter in this country shall give his vote in secret? I say that a law of that description would deprave the national character (hear, hear), and that Englishmen would not submit to it.—*Id.*

A.—Is it proposed that every man shall be obliged to seal his letters, whether he likes it or not? I say that a law of that description would deprave the national character, and Englishmen would not submit to it.

Some men pay to have their letters published. Nobody asks to hinder them. But let those who like it, seal.

49. No law that you could pass could compel the majority of the electors of England to vote in secret—no law could compel the people to suppress the political principles which they entertain.—*Id.*

A.—Who wants them to do it, when they do not like it themselves? But allow a man to save himself from being kicked if he is afraid of it.

50. Why, what would happen? The great bulk of the electors would give their votes publicly, while it would be only the few who would go sneaking to the poll, and by attempting to screen themselves from some personal inconvenience would become the objects of general obloquy and sink in the estimation of their fellow-subjects. (Hear, hear.)—*Id.*

A.—Why do the aristocrats go sneaking to the poll in their clubs? Simply because they know how to take their own fingers out of the fire.

On the question of proportions, there is an easy test. Proffer the ballot to the constituencies where a majority of the registered electors shall petition for it; and you will see what becomes of your general obloquy.

51. These are the reasons, then, why I think that this proposal of vote by ballot for members of Parliament ought not to be adopted. I believe it would be ineffectual for the purpose for which it is intended, and would, in fact, become a great public evil.—*Id.*

A.—It cannot at once both do and not do. In every instance where it is applied, it will either effect secrecy or it will not. If it does not, then there is an end of any benefits expected from secrecy; but surely there will be an end of the evils expected from it too. It is very odd if anybody can be damaged by a thing that is not.

52. The House was very much amused at the proposal of the member for Bodmin;

A.—Has it ever been heard that a member of Parliament has been turned out of

but, for my part, I think that there was much more logic in his proposal than in the other. (Cheers.) Is the proposal of the Ballot made upon grounds of personal protection or of public utility? Is it that you want to screen electors from personal inconvenience, or that you want to secure the public benefit more effectually by enabling every man freely to vote according to his opinions? If you mean to screen persons from individual inconvenience in the discharge of their duty, why are not the members of this House entitled to this so-called protection as well as the electors? (Hear.)—*Id.*

his potato-field? Who is there to turn him out of anything, except his constituents? unless the question be of turning him out of an office given by the Government in the way of bribery.

53. And if you intend this as a public measure for the purpose of enabling men more freely to perform a public duty, I would ask you whether the duty which is performed by the elector can for an instant be put in competition with the important functions exercised by a member of Parliament?—*Id.*

A.—The question is, not of which is most important, but how each can be done best.

It is like saying to a sailor, If you set a sail forward you must set another aft, because the aft is as good as the forward. It is precisely because one is wanted, that the other is not.

One is what the other is not, and is not what the other is; *therefore*, says the arguer, both ought to be held alike.

54. Will any man tell me that the members of this House always act according to their own opinions?—*Id.*

A.—It is suspected not. Nor of their constituents either.

55. Will any man tell me that votes are not frequently given here in compliance with the pressure of constituencies, rather than from a member's own sense of what is best for the public interests? (Hear, hear.)—*Id.*

A.—Therefore ought he not to have ballot, to prevent his constituency's knowing? Has he not as good a right to have the ballot to prevent his constituency's knowing what he does, as the constituency has to have the ballot to enable it to say freely whether it likes him or not?—Turn it as you please, this is the argument.

56. Why, we all know that it is so; and, therefore, if it is any argument why an elector should be allowed to record his vote in secret that it would enable him better to discharge his duty to his country, I say that that argument carries with it tenfold force when it is applied to the case of members of this assembly. (Hear, hear.)—*Id.*

A.—We all know that the pressure upon members is an unpleasant thing. Sitting in the House would be a rose without a thorn if it could only be got rid of. Therefore take care that the pressure upon constituencies is not got rid of till this is.

57. But I should be sorry, Sir, to see any such innovation as this introduced into the practice of this House.—*Id.*

A.—Virtue truly antique; ending in supporting the modern form of wrong.

58. The same principle as that upon which I hold that the elector ought at all hazards to perform his duty in the face of the world, and subject to a public responsibility, applies, on the other hand, with tenfold force to members of the House of Commons.—*Id.*

A.—Who are the elector's constituents? to what portion of the public is he responsible, and on what grounds? To his landlord and to anybody who has the power to oppress him.

Remember, that when a gentleman is concerned, the law says, that the way for him to perform his duty, is to do it under an oath of secrecy in all concerned. There is gentry-law, and serf-law. It will be un-English when it is otherwise.

59. And therefore, however stronger in point of logic the proposal of the member for Bodmin may be than that of the member for Bristol, I say the argument is brought to a *reductio ad absurdum*, and

A.—Why do you, in the case of an officer and gentleman, engaged in one of the most solemn of public acts, specially provide by law that he shall act in secrecy; and then talk vigorously of a *reductio ad absurdum*

only proves that, according to the constitution of this country, we ought not to adopt a measure which tends to withdraw from public responsibility the public or political acts of any person intrusted with any right which that constitution vests in him.—*Id.*

when the serf demands the same protection? The one has it because he is a gentleman; the other asks it because he is a serf and it is the thing which makes him so.

The man who should maintain that an officer would give a better vote for being bullied or bribed, would be hooted in the streets. For the officer, it is the Constitution, that he shall not be exposed to either. For the man in the ranks, the Constitution is, that he will be all the better for it. The law cherishes the act of violence, and offers its services to put the bribe into his pocket. —Is there nothing like a *reductio ad absurdum* on the face of this?

60. On these grounds, Sir, I shall certainly vote against this motion. (Hear, hear.)—*Id.*

A.—An old judge, advising a young one, said, "Never give your reasons."

If every man who voted against the ballot had taken as much pains to give reasons, the Ballot Society would shout like the tall priest in Erasmus, "Courage, my friends! I feel the land."

61. It is possible, and perhaps not very difficult, to invent a machine, by the aid of which electors may vote for a candidate, or for two or three candidates, out of a greater number, without its being discovered for whom they vote; it is less easy than the torpid and foaming Radical supposes; but I have no doubt it may be accomplished. In Mr. Grote's dagger ballot-box, which has been carried round the country by eminent patriots, you stab the card of your favourite candidate with a dagger. I have seen another, called the mouse-trap ballot-box, in which you poke your finger into the trap of the member you prefer, and are caught and detained till the trap-clerk below (who knows by means of a wire when you are caught) marks your vote, pulls the liberator, and releases you. Which may be the most eligible of these two methods I do not pretend to determine, nor do I think my excellent friend Mr. Babbage has as yet made up his mind on the subject; but, by some means or another, I have no doubt the thing may be done.—*Works of the Rev. Sydney Smith.* Vol. III. Article BALLOT.

A.—The object of this is to throw ridicule on the Ballot, by taking advantage of the unnecessary fuss which has been made about the mode of execution.

The question is, whether letters can be sent sealed to the post-office. One man says, the way to do it would be to allow of fastening with a substance known in India by the name of *lak*, and capable of receiving impressions from seals with every degree of minuteness. Another says, a better way would be to use a compound of farinaceous matter, in the form of a wafer. And a third declares, that try what you will, there is nothing like gum arabic the produce of the Senegal. The answer to all of which is, allow the thing to be done, and a fool will find out how.

A gummed envelope of fourpence the hundred, inclosing a card with the names of the candidates printed, and a pen drawn through those not voted for, is what vulgar experience has shown to be adequate to the purpose. The friends of the Ballot will at some time find out, that anything more abstruse than this, is giving advantage ground to the enemy.

62. Landed proprietors imagine they have a right to the votes of their tenants; and instances, in every election, are numerous where tenants have been dismissed for voting contrary to the wishes of their landlords. In the same manner strong combinations are made against tradesmen who have chosen to think, and act for themselves in political matters, rather than yield their opinions to the solicitations of their customers. There is a great deal of tyranny and injustice in all this. I should no more think of asking what the political opinions of a shopkeeper were, than of asking whether he was tall or short, or large or small: for a difference of 2½ per cent. I would desert the most aristocratic butcher that ever existed, and deal with one who

"Shook the arsenal, and fulmin'd over Greece."

On the contrary, I would not adhere to the man who put me in uneasy habiliments,

A.—Perhaps you would. But everybody will not do the same. Would not the better way be, to apply the preventive? There was a man of rank who complained he could not keep the flies from going down his throat;—till somebody recommended to him, to *shut his mouth.*

however great his veneration for trial by jury, or however ardent his attachment to the liberty of the subject. A tenant I never had; but I firmly believe that if he had gone through certain pecuniary formalities twice a year, I should have thought it a gross act of tyranny to have interfered either with his political or his religious opinions.—*Id.*

63. I distinctly admit that every man has a right to do what he pleases with his own. I cannot, by law, prevent any one from discharging his tenants and changing his tradesmen for political reasons; but I may judge whether that man exercises his right to the public detriment, or for the public advantage.—*Id.*

A.—You can do a great deal more than that. You can give *the tenant and the tradesman* the power of doing what he pleases with his own. Instead of which, you insist on preserving the power of abuse to the wealthier party, and trust to the effect of saying "You naughty man!" to him afterwards.

64. A man has a right to refuse dealing with any tradesman who is not five feet eleven inches high; but if he acts upon this rule, he is either a madman or a fool. He [illegible] waste his own estate, and to make it utterly barren; but I have also a right to point him out as one who exercises his right in a manner very injurious to society.—*Id.*

A.—There is no parity with the case in hand. Men are not charged with acting from nonsensical reasons, but from very substantial and palpable reasons,—as much so as in any other case where the law is called on to interfere.

65. He may set up a religious or a political test for his tradesmen; but admitting his right, and deprecating all interference of law, I must tell him he is making the aristocracy odious to the great mass, and that he is sowing the seeds of revolution. His purse may be full, and his fields may be wide; but the moralist will still hold the rod of public opinion over his head, and tell the money-bloated blockhead that he is shaking those laws of property which it has taken ages to extort from the wretchedness and rapacity of mankind; and that what he calls his own will not long be his own, if he tramples too heavily upon human patience. —*Id.*

A.—Warnings most useful. But why should the law take pains to "make the [illegible] aristocracy odious to the great mass, and sow the seeds of revolution?" Preven[illegible] is better than cure, and caution than [illegible]ishing afterwards.

66. All these practices are bad; but the facts and the consequences are exaggerated. —*Id.*

A.—Assaults and batteries in the streets are bad; but the facts and the consequences are exaggerated. Therefore let assaults and batteries alone.

67. In the first place, the plough is not a political machine: the loom and the steam-engine are furiously political, but the plough is not. Nineteen tenants out of twenty care nothing about their votes, and pull off their opinions as easily to their landlords as they do their hats. As far as the great majority of tenants are concerned, these histories of persecution are mere declamatory nonsense; they have no more predilection for whom they vote than the organ pipes have for what tunes they are to play. —*Id.*

A.—Complimentary to the agriculturists. The plough or the thing that stands behind it, is not a political machine;—that is to say, is not to be a political machine in the sense of having any will of its own, and consequently is to be a political machine in the sense of having none. Who deals with ploughs, is a worm and no man; or if he dislikes skinning, like the eels he is used to it.

If this was all so, where would be the fitness in such men voting at all? Would it not save trouble that the landlord should have so many votes by virtue of his registered property in men, as is done in America?

68. A tenant dismissed for a fair and just cause often attributes his dismissal to political motives, and endeavours to make himself a martyr with the public: a man who ploughs badly, or who pays badly, says he is dismissed for his vote. No candidate is willing to allow that he has lost his election by his demerits; and he seizes hold of

A.—Some may complain without cause, but how many are there that do not? Out of the complaints of pocket-picking brought to the police-office, one or two are proved to have had nothing in their pockets. But is this a reason why the police-office should shut up shop?

these stories, and circulates them with the greatest avidity: **they are stated in the House of Commons; John Russell and Spring Rice fall a crying: there is lamentation of Liberals in the land; and many groans for the territorial tyrants.**—*Id.*

69. A standing reason against the frequency of dismissal of tenants is, that it is always injurious to the pecuniary interests of a landlord to dismiss a tenant; the property always suffers in some degree by a going off tenant; and it is therefore always the interest of a landlord not to change when the tenant does his duty as an agriculturist.—*Id.*

A.—Reasons why the case is not worse than it is. Would a police-court check its action, for being told there were reasons why the wrongs done were not twice as many as they are?

70. To part with tenants for political reasons always makes a landlord unpopular. The Constitutional, price 4*d.*, the Cato, at 3½*d.*; and the Lucius Junius Brutus, at 2*d.*, all set upon the unhappy scutiger; and the squire, unused to be pointed at, and thinking that all Europe and part of Asia are thinking of him and his farmers, is driven to the brink of suicide and despair. That such things are done is not denied, that they are scandalous when they are done is equally true; but these are reasons why such acts are less frequent than they are commonly represented to be. In the same manner, there are instances of shopkeepers being materially injured in their business from the votes they have given; but the facts themselves, as well as the consequences, are grossly exaggerated. If shopkeepers lose Tory they gain Whig customers; and it is not always the vote which does the mischief, but the low vulgar impertinence, and the unbridled scurrility of a man who thinks that by dividing to mankind their rations of butter and of cheese he has qualified himself for legislation, and that he can hold the rod of empire because he has wielded the yard of mensuration. I detest all inquisition into political opinions, but I have very rarely seen a combination against any tradesman who modestly, quietly, and conscientiously took his own line in politics. But Brutus and butterman, cheesemonger and Cato, do not harmonise well together; good taste is offended, the coxcomb loses his friends, and general disgust is mistaken for combined oppression. Shopkeepers, too, are very apt to cry out before they are hurt: a man who sees after an election one of his customers buying a pair of gloves on the opposite side of the way roars out that his honesty will make him a bankrupt, and the county papers are filled with letters from Brutus, Publicola, Hampden, and Pym.—*Id.*

A.—All proving, that things are not so bad as is talked of. Men have walked the streets in London a dozen times together, without being attacked either by pickpockets or ring-droppers, or assailed by any other of the trials which rural innocence is told attend a sojourn in the metropolis. *Therefore,* do not prevent mischief when you have an opportunity.

71. This interference with the freedom of voting, bad as it is, produces no political deliberation.—*Id.*

A.—Because the candle is lighted at both ends, we are to be told it does not burn. Tell it to the corporals, and let them tell it to their squads, in order that everybody may know the mistake the enemy has made.

72. It does not make the Tories stronger than the Whigs, nor the Whigs than the Tories, for both are equally guilty of this species of tyranny; and any particular system of measures fails or prevails, much as if no such practice existed. The practice had better not be at all, but if a certain quantity of the evil does exist, it is better that it should be equally divided among both parties, than that it should be exercised by one, for the depression of the other.—*Id.*

A.—Picking pockets in the Strand does not make the Tories stronger than the Whigs, nor the Whigs than the Tories, for each of them may work equally by this mode of action. The practice had better not be at all, but if a certain quantity of the evil does exist, it is better that it should be equally divided.

How does this read, in an argument whether picking of pockets ought or ought not to be prevented?

73. If a man is sheltered from intimidation, is it at all clear that he would vote

A.—If a man is sheltered from having his pocket picked, is it at all clear that he

from any better motive than intimidation?—*Id.*

would spend his money in any better way?—As before, how does it read?

74. The Radicals praise and admit the lawful influence of wealth and power. They are quite satisfied if a rich man of popular manners gains the votes and affections of his dependants; but why is not this as bad as intimidation? The real object is to vote for the good politician, not for the kind-hearted or agreeable man: the mischief is just the same to the country whether I am smiled into a corrupt choice, or frowned into a corrupt choice. What is it to me whether my landlord is the best of landlords or the most agreeable of men? *I* must vote for Joseph Hume, if I think Joseph more honest than the Marquis.—*Id.*

A.—There is great diversity of opinions on the subject of religion, and men go different ways to induce others to join theirs. Some try gaining the affections, some intimidation. The Radicals avow a preference for the first. But why is not this as bad as intimidation? The real object is that I should vote for the religion I think true: the mischief to the country is the same, whether I am smiled into a contrary choice, or frowned into it. Therefore, *preserve the intimidation;* if an attempt is made to put it down by act of parliament, by all means *preserve the intimidation.* What fairness or comfort would there be in life, if you went without your intimidation?

75. And then intimidation! Is intimidation confined to the aristocracy? Can anything be more scandalous and atrocious than the intimidation of mobs? Did not the mob of Bristol occasion more ruin, wretchedness, death, and alarm than all the ejection of tenants, and combinations against shopkeepers, from the beginning of the century? and did not the Scotch philosophers tear the clothes of the Tories in Mintoshire? and did not they wash the Tory voters in the river?—*Id.*

A.—Therefore, *preserve the intimidation of the aristocracy.*

76. Some sanguine advocates of the ballot contend that it would put an end to all canvassing: why should it do so?—*Id.*

A.—Meaning, why should putting an end to canvassing be counted among good consequences?

If a conservator of the public morals wanted to diminish the septennial amount of licentiousness within his borders, would he be anxious for the preservation of the canvassing in the streets? He might not be resolved on going to disputable violence upon the point; but would he endure being told, "If you do so and so, it will have a tendency to put down the canvassing in the streets"?

There is no doubt that a great portion of canvassing is for improper purposes. Like lobbies in a theatre, it brings loose characters of different kinds together. Of this portion it would to a great extent be shorn by the ballot. And the mode by which this would be effected, would be by weakening the security for the performance of immoral contracts.

77. Scarcely is any great virtue practised without some sacrifice; and the admiration which virtue excites seems to proceed from the contemplation of such sufferings, and of the exertions by which they are endured: a tradesman suffers some loss of trade by voting for his country; is he not to vote? he might suffer some loss of blood in fighting for his country; is he not to fight?—*Id.*

A.—Therefore let every knave have power to bleed him by leech or lance.

A tradesman is told to suffer some loss of trade by voting for his country. Why should he suffer some loss of trade by voting for his country? Why should he suffer loss of trade by this, any more than by any other laudable action? If he suffers loss of blood in fighting, it is upon the supposition that his country is the better for it. Will anybody demonstrate in what way the country is the better for his loss of trade?

78. An abominable tyranny exercised by the ballot is, that it compels those persons to conceal their votes, who hate all concealment, and who glory in the cause they support.—*Id.*

A.—It would be just as correct to say, "An abominable tyranny arising from allowing letters to be sent sealed to the post-office, is that it prevents Mr. Morison from advertising his pills."

Mr. Morison is at full liberty to announce all his proceedings by sound of trumpet; only he shall not hinder any man from sealing his letters that likes.

79. If ballot is established, a zealous voter cannot do justice to his cause; there will be so many false Hampdens, and spurious Catos, that all men's actions and motives will be mistrusted.—*Id.*

A.—A zealous voter cannot do justice to the zeal he has to demonstrate that he has earned his bribe. That is, he cannot give the last demonstration, which consists in showing his name in a poll-book. For which check upon his zeal, honest men are to go into mourning.

80. It is in the power of any man to tell me that my colours are false, that I declaim with simulated warmth, and canvass with fallacious zeal; that I am a Tory, though I call *Russell* for ever, or a Whig, in spite of my obstreperous panegyrics of *Peel.*—*Id.*

A.—The same uncertainty might arise out of letters being sent sealed to the post. To prevent which to the thirty-millionth part of the community in the person of some drunken brawler, make a rule that nobody shall seal.

81. It must not be forgotten that, in the ballot, concealment must be absolutely *compulsory.*—*Id.*

A.—That is to say, the rogue must be absolutely deprived of the power of giving the last assurance that he has earned his bribe, and the wretch who has been kicked to the poll must only have his own word to show that he has been kicked to purpose. The law is to refuse to be the accomplice in either compact. Beyond this, there is nothing compulsory. Any assertion to the contrary, is pure imagination.

82. It would never do to let one man vote openly, and another secretly. You may go to the edge of the box, and say, "I vote for A.," but who knows that your ball is not put in for B.?—*Id.*

A.—Exactly what the rogues of all kinds would say, if they had formed a committee to decide upon the way of furthering their views. It sounds like the discourse of the ill-favoured ones at the bedside of Christiana.

83. There must be a clear plain opportunity for telling an undiscoverable lie, or the whole invention is at an end.—*Id.*

A.—Suppose it was the rule that every man who had a purse should announce it by a placard outside his pocket. You beg to be allowed to do no such thing; and the answer to you is, "You want to be telling the thieves an undiscoverable lie."

84. But if all men are suspected; if things are so contrived that it is impossible to know what men really think, a serious impediment is created to the formation of good public opinion in the multitude. There is a town (No. 1.) in which live two very clever and respectable men, Johnson and Pelham, small tradesmen, men always willing to run some risk for the public good, and to be less rich, and more honest than their neighbours. It is of considerable consequence to the formation of opinion in this town, as an example to know how Johnson and Pelham vote. It guides the affections, and directs the understandings, of the whole population, and materially affects public opinion in this town; and in another borough, No. 2., it would be of the highest importance to public opinion if it were certain how Mr. Smith, the ironmonger, and Mr. Rogers, the London carrier, voted; because they are both thoroughly honest men, and of excellent understanding for their condition of life. Now, the tendency of ballot would be to destroy all the Pelhams, Johnsons, Rogers's, and Smiths, to sow a universal mistrust, and to exterminate the natural guides and leaders of the people: political influence, founded upon

A.—It might, to a certain extent, be desirable to know that Johnson and Pelham wrote no improprieties in their letters by the post; that they did not, for example, advise their sons to "play hell and Tommy," as aristocrats have done. Or it might be useful to be quite sure that Mr. Smith was not writing for ironmongery made "to sell," or Mr. Rogers directing the taking of toll from every London cask committed to his waggon. But shall there be no more sealing letters for the post because Johnson may be unvirtuous? Fancy a deputation going to the General Post-office, to represent that it was necessary for "guiding the affections and directing the understandings" of a certain borough, that Johnson and company's letters and everybody else's should be opened. Johnson and company are "thoroughly honest men," and "natural guides and leaders of the people;" only nobody believes them whatever they may say. Johnson and company give their money and, what is the same, their time, to attend to the registration, and watch every trick of the opposite party. By these means they collect and keep together some hundreds or perhaps thousands of voters for their side; and then the public

honour and ancient honesty in politics, could not grow up under such a system. No man's declaration could get believed. It would be easy to whisper away the character of the best men; and to assert that, in spite of all his declarations, which are nothing but a blind, the romantic Rogers has voted on the other side, and is in secret league with our enemies.—*Id.*

is represented as in doubt whether they may not after all give their individual votes the other way. The thing is fathoms below the ridiculous. It would be just as sensible to represent the public as in a state of anxiety to know whether Johnson and company had not robbed the little children in the streets of their bread and butter. The whole is a pretence for another purpose. Nobody wants to be informed what Johnson and company have done. The real object is to know whether Mouldy has earned his ale, and Bullcalf been beaten into staggering the right way.

85. "Who brought that mischievous profligate villain into Parliament? Let us see the names of his real supporters.—*Id.*

A.—The real supporters were those who support the law by which "mischievous profligate villains" find their way into parliament.

86. Who stood out against the strong and uplifted arm of power?—*Id.*

A.—Not he who called for the machine by which the uplifted arm of power was to take effect.

87. Who discovered this excellent and hitherto unknown person? Who opposed the man whom we all know to be one of the first men in the country?" Are these fair and useful questions to be veiled hereafter in impenetrable mystery?—*Id.*

A.—All fighting for the 2 per cent. gain at the expense of the 20 per cent. loss. The palpable result of the wrong persisted in, is to prevent excellent and unknown persons from being brought forward by those who would willingly do it, and to get up the maximum of opposition to those the electors may in their hearts believe to be the first men in the country. The result, and therefore the object of those who act with their eyes open, is to take the power of doing good from the electors, and put the power of doing evil into the hands of the bully and the briber.

88. Is this sort of publicity of no good as a restraint? is it of no good as an incitement to and a reward for exertions? Is not public opinion formed by such feelings? and is it not a dark and demoralising system to draw this veil over human actions, to say to the mass, be base, and you will not be despised; be virtuous, and you will not be honoured?—*Id.*

A.—Where the present system restrains one from evil, it restrains ten from good. The incitement to and the reward for exertions are what an honest man can get without it, and what the dishonest will all get from the other side. Public opinion is formed by such feelings the wrong way; it is taught to think knavery a good joke. The existing system is dark and demoralising, for it says to the mass be base, and the law will help you to get paid for it.

89. Is this the way in which Mr. Grote would foster the spirit of a bold and indomitable people? Was the liberty of that people established by fraud? Did America lie herself into independence? Was it treachery which enabled Holland to shake off the yoke of Spain? Is there any instance since the beginning of the world where human liberty has been established by little systems of trumpery and trick? These are the weapons of monarchs against the people, not of the people against monarchs. With their own right hand, and with their mighty arm, have the people gotten to themselves the victory, and upon them may they ever depend.—*Id.*

A.—All pleading in defence of a rogueocracy. Calling evil good, and good evil. The whole argument rests on the childish assumption that if men are allowed to seal their letters, they will tell lies in consequence—will say one thing and write another—and this to an extent to make it expedient to send all letters open. And all the time it is notorious that there is a regularly organised fraternity of rascaldom, trading and living upon what they can make by peeping into men's letters already, and hoping to do more hereafter.

90. And then comes Mr. Grote, a scholar and a gentleman, and knowing all the histories of public courage, preaches cowardice

A.—Strong language some of this, and what if parodied, would perhaps be met with the apophthegm *de mortuis.* We shall

and treachery to England; tells us that the bold cannot be free, and bids us seek for liberty by clothing ourselves in the mask of falsehood, and trampling on the cross of truth.—*Id.*

all so soon be where he is, that it may be permitted to speak to him as ghost to ghost. Suppose it was said, "And then comes the author, a scholar, a clergyman, and a genius, and knowing all the histories of public corruption, preaches bribery and bullying to England; tells us that the unkicked cannot be free, and bids us look for liberty by giving certainty to the operations of the beer-barrel, and crucifying the elector at the will of any that has the power."

The author "is a very worthy, honest, and able man;" but with odd notions of the way to make other people honest.

91. If this shrinking from the performance of duties is to be tolerated, voters are not the only persons who would recur to the accommodating convenience of ballot. A member of Parliament who votes against Government can get nothing in the army, navy, or church, or at the bar, for his children or himself: they are placed on the north wall, and starved for their honesty. *Id.*

A.—If one set of men were allowed to shut up their pockets for an honest purpose, another set must be allowed to shut them for a dishonest. Therefore, let all pockets be open.

There is concealment of the fact, that the ballot in one case is for an honest purpose, and in the other for an avowedly dishonest.

Judges, too, suffer for their unpopularity. Lord Kilwarden was murdered, Lord Mansfield burnt down; but voters, forgetting that they are only trustees for those who have no vote, require that they themselves should be virtuous with impunity, and that all the penalties of austerity and Catonism should fall upon others.—*Id.*

A.—Socrates drank hemlock, and Joan of Arc was burnt at the stake. Therefore, let voters not be virtuous with impunity.

Is it essential that no man who is trustee for others, should be virtuous with impunity?

93. To institute ballot is to apply a very dangerous innovation to a temporary evil; for it is seldom, but in very excited times, that these acts of power are complained of, which the ballot is intended to remedy.—*Id.*

A.—To punish for murder is to apply a very dangerous innovation to a temporary evil; for it is only in very excited moments that anybody thinks of murdering.

As in murder, these acts of power take place when men are tempted to them; and it is precisely to check this temptation, that prudent men provide the remedy without waiting for the tempting times.

94. If there is ballot there can be no scrutiny, the controlling power of Parliament is lost, and the members are entirely in the hands of returning officers.—*Id.*

A.—A serious fact, which must be met seriously.

If men travel by railway, there will be no stopping at pleasure to take a drink by the road-side. The consequence from which is, not that men shall not travel by rail, but that they must take their drinks before they start.

So in the case of ballot; the care which is now applied to remedy evils after they are done, must be applied to prevent them before they are done. Make out a practical case; show us the attenuated railway passengers, perishing of wants which no reasonable precautions could have prevented.

If your door shuts after you with a spring, your precautions for getting back again must be taken before you close the door, and not after. There is nothing in all this, which is not found to come within the province of human reason.

If a tenth part of the trouble and expense were applied before the evils took place, that are applied after, there would be an enormous balance of public benefit. Parliamentary committees, in the main, are only a portion of the great wrong. They are instruments for taking the decision out of the hands of the electors, and putting it into the hands of the richest combatant. They are machines for a man's being "laid down and robbed at the door of the House of Commons," as was done to me to the extent of four thousand pounds, with no object but the gratification of vengeance, by piling up charges never intended to be gone into, but which would have been declared "con-

fessed" if the defendant had tried to save his purse by withdrawing. There must be a substantial list made out of sufferings from the establishment of the Ballot, before it can balance such things as this.

95. An election is hard run—the returning officer lets in twenty votes which he ought to have excluded, and the opposite candidate is unjustly returned. I petition, and as the law now stands, the return would be amended, and I, who had the legitimate majority, should be seated in Parliament. But how could justice be done if the ballot obtained, and if the returning officer were careless or corrupt?—*Id.*

A.—There is a lion without, I shall be slain in the streets! Everything is to be got over with pains, and nothing without them. One way to prevent a returning officer from picking pockets, would be to check him with another, who may not have the same propensity. Something like the principle is in use already, in the guardians appointed at different polling-booths. Why should not every candidate who goes to the poll demand a share of the returning officer? Mr. Coppock—he is mentioned as a leading firm—would find a way instantly. If rogues run craftily, the true men must run after them.

96. It is certainly in the power of a committee, when incapacity or villany of the officer has produced an unfair return, to annul the whole election, and to proceed again *de novo;* but how is this just? or what satisfaction is this to me, who have unquestionably a lawful majority, and who ask of the House of Commons to examine the votes, and to place in their house the man who has combined the greatest number of suffrages?—*Id.*

A.—In the aggregate of cases, the appellant would be but too happy to obtain a new election, by any moderately expensive process. And this he might have, and justice at the same time be secured to the defendant, unless parliament was itself a party to general malpractice. The mere fact of parliament being able to cross-examine a double or triple returning officer, would be a security to both sides.

97. If ballot gives a power of perfect concealment, ... whose interest is it to watch the registrations?—*Id.*

A.—What is the history of watching the registrations? A number of zealous men on both sides do all they can to oppose the claims of those they think will vote against them, and assist the claims of those they think will vote for them. And they are often disappointed after all. And they might be disappointed a few times more if there was the ballot. But neither side would allow the constituency to be swamped by men having no legal right, on the bare chance that perhaps they would not vote against them.

98. The answer of the excellent Benthamites to all this is, "What you say may be true enough in the present state of registrations, but we have another scheme of registration to which these objections will not apply." There is really no answering this Paulo post legislation.—*Id.*

A.—The objection to railways is, that men cannot stop to get provisions when they like. And answer is made that it is intended to meet this necessity. To which the reply is, that "there is really no answering this Paulo post legislation."

99. There is no end to these eternal changes.—*Id.*

A.—Nor will be, any more than in the Army List or the Court Calendar.

100. I do not say the Reform Bill is final, but I want a little time for breathing.—*Id.*

A.—There has been time for breathing since the Reform Bill. But it is not necessary to be taking breath for the rest of a man's natural life.

101. I long for the quiet times of *Log.*—*Id.*

A.—So does everybody, except those who were the worse for it. Why did not we all stick fast at the times of Log, and so be all Logs together at this hour?

102. What is to become of petitions if ballot is established? Are they to be open as they now are, or are they to be conducted by ballot? . . . A member is chosen this week by a large majority of voters who vote in the dark, and the next week, when

A.—The Parliament must be more stupid than the memory of man tells of, if it did not set down the difference as a measure of the value of the Ballot. It is the difference between what men do with a pistol at their head, and without it.

men vote in the light of day, some petition is carried totally opposite to all those principles for which the member with invisible votes was returned to Parliament. How, under such a system, can Parliament ever ascertain what the wishes of the people really are?—*Id.*

103. And if the same protection is adopted for petitions as is given in elections, and if both are conducted by ballot, how are the House of Commons to deal with petitions? When it is intended particularly that a petition should attract the attention of the House of Commons, some member bears witness to the respectability or the futility of the signatures; and how is it possible, without some guides of this kind, that the House could form any idea of the value and importance of the petition?—*Id.*

A.—There is no such practice as assigned; so the question respecting it falls to the ground. No member ever bears witness to the respectability of the signatures to a petition against a return, nor does the House ask the advice of any guides of this kind. All this is for the committee to try.

104. These observations apply with equal force to the communications between the representative and the constituent. It is the Radical doctrine that a representative is to obey the instructions of his constituents. He has been elected under the ballot by a large majority; an open meeting is called, and receives instructions in direct opposition to all those principles upon which he has been elected.—*Id.*

A.—What would any sensible representative say, but "It is clear enough on which side the truth lies. I shall go by the *electors unkicked.*"

105. But if ballot is established for elections only, and all communications between the constituents on one side, and Parliament and the representatives on the other, are carried on in open meetings, then are there two publics according to the Radical doctrines, essentially different from each other.—*Id.*

A.—The very thing wanted to be proved. There is the public with a pistol at its head, and the public without.

106. I have hitherto spoken of ballot, as if it were, as the Radicals suppose it to be, a mean of secrecy; their very cardinal position is, that landlords, after the ballot is established, will give up in despair all hopes of commanding the votes of their tenants. I scarcely ever heard a more foolish and gratuitous assumption.—*Id.*

A.—Putting a part for the whole. Every man inclined to be a thief is not put down by the police. But if three-fourths of them give up the attempt, it is what society wants.

107. Given up? Why should they be given up? I can give many reasons why landlords should never exercise this unreasonable power, but I can give no possible reason why a man determined to do so should be baffled by the ballot. When two great parties in the empire are combating for the supreme power, does Mr. Grote imagine, that the man of woods, forests, and rivers, —that they who have the strength of the hills,—are to be baffled by bumpkins thrusting a little pin into a little card in a little box? that England is to be governed by political acupuncturation?—*Id.*

A.—A man determined to thieve will not be baffled by the police; that is to say, he will try his luck in spite of it. Does anybody imagine that the man of dark lanterns, picklocks, and jemmies, will be baffled by a bumpkin in a blue coat and stiff collar? Nevertheless, on trial the results answer well, though two great parties in the empire are combating for the supreme power.

108. A landlord who would otherwise be guilty of the oppression will not change his purpose, because you attempt to outwit him by the invention of the ballot; he will become, on the contrary, doubly vigilant, inquisitive, and severe.—*Id.*

A.—A thief who would otherwise be guilty of thieving will not change his purpose, because you attempt to outwit him by the invention of the policeman; he will become, on the contrary, doubly vigilant, inquisitive, and severe; that is to say, *some* will. But if thieving is made generally a game less worth following than before, three-fourths are very likely to give up the practice. The ways in which the oppression of tenants would be a game less worth following than before, are very manifest. Men will make less efforts to obtain a thing, which, after all, they cannot be sure whether they obtain or not. And what is less practised will become less fashionable; like highway robbery. An idea will gain strength in the public mind, that men ought not to be robbed.

109. "I am a professed Radical," said the tenant of a great duke to a friend of mine, "and the duke knows it; but if I vote for his candidate, he lets me talk as I please, live with whom I please, and does not care if I dine at a Radical dinner every day in the week. If there was a ballot, nothing could persuade the duke, or the duke's master, the steward, that I was not deceiving them, and I should lose my farm in a week." This is the real history of what would take place.—*Id.*

A.—The man sells his vote to the duke for money or money's worth; and would do the same by his wife or daughter, if the duke had the fancy for her he has for the vote.

The argument then is, that nothing would be mended if this was not done. The man would keep his vote or daughter, but would lose his farm.

What is this but saying, the vote or daughter ought to be sold?

110. The single lie on the hustings would not suffice; the concealed democrat who voted against his landlord must talk with the wrong people, subscribe to the wrong club, huzza at the wrong dinner, break the wrong head, lead (if he wished to escape from the watchful jealousy of his landlord) a long life of lies between every election; and he must do this, not only *eundo*, in his calm and prudential state, but *redeundo* from the market, warmed with beer and expanded by alcohol; and he must not only carry on his seven years of dissimulation before the world, but in the very bosom of his family, or he must expose himself to the dangerous garrulity of wife, children, and servants, from whose indiscretion every kind of evil report would be carried to the ears of the watchful steward.—*Id.*

A.—It has always been a disputed point among schoolmen, how far a man, let go by a highwayman under promise to put a purse under a certain tree, was bound to keep his word. But nobody before has openly taken side with the highwayman, and declared the world must go to wreck unless it were everywhere proclaimed by sound of trumpet, that purses for highwaymen must be [illegible] lodged. Friar Tuck may have preach[illegible] such a sermon for Robin Hood; b[illegible] it has not descended to posterity.

There is a mistake in the *l*[illegible] of the crime. A man professes idolatry for seven years together, but in private worships God. "Wretch!" cries our divine, "in private to worship God!" Whereas it ought to be "Wretch! in public to profess idolatry!"

111. I consider a long concealment of political opinion from the landlord to be nearly impossible for the tenant; and if you conceal from the landlord the only proof he can have of his tenant's sincerity, you are taking from the tenant the only means he has of living quietly upon his farm. You are increasing the jealousy and irascibility of the tyrant, and multiplying instead of lessening the number of his victims.—*Id.*

A.—The assumption being always that the tenant is to vote against his conscience and will, to keep his farm. But why is the tenant to vote against his conscience and will, to keep his farm?

Do men reason in the same way, touching the jealousy and irascibility of highwaymen?

112. Not only you do not protect the tenant who wishes to deceive his landlord, by promising one way and voting another, but you expose all the other tenants who have no intention of deceiving, to all the evils of mistake and misrepresentation. —*Id.*

A.—All proceeding on the assumption that the vote is the landlord's, and he is a wronged man if in any way it slips through his fingers. Men do not argue that one tenant's playing a trick through being allowed to seal his letters at the post-office, will bring all the other tenants into trouble.

113. But if landlords could be prevented from influencing their tenants in voting, by threatening them with the loss of their farms; . . . what would prevent a landlord from refusing to take, as a tenant, a man whose political opinion did not agree with his own?—*Id.*

A.—Let him. Why should not he, if he likes? The effect would be in the long run, to get rid of the enforced votes on both side.

114. The noise and jollity of a ballot mob must be such as the very devils would look on with delight. A set of deceitful wretches wearing the wrong colours, abus-

A.—Ballot goes on where it has been tried, with very little for the devils to look on with delight. On the contrary the devils miss their ancient provender; which is

ing their friends, pelting the man for whom they voted, drinking their enemies' punch, knocking down persons with whom they entirely agreed, and roaring out eternal duration to principles they abhorred. A scene of wholesale bacchanalian fraud, a *posse comitatûs* of liars, which would disgust any man with a free government, and make him sigh for the monocracy of Constantinople.—*Id.*

the reason they oppose.

All great public improvements are resisted in the same manner. Railways were to destroy the industry of the country, by taking every man away from home. Postage stamps were always to come off, and give a cancer in the mouth to every man who wetted them with his tongue. In the same manner it would be argued against sealing letters for the post, that all England would be full of men saying they were writing to their wives, and writing to their mistresses. This sort of poetical exaggeration has had its day.

115. All the arguments which apply to suspected tenants apply to suspected shopkeepers. . . . . Inquisitors would be exasperated by this attempt of their victims to become invisible, and the search for delinquents would be more sharp and incessant.—*Id.*

A.—Therefore take care how you touch inquisitors. The way to deal with inquisitors, is to make the way smooth before them, and above all things, not make yourselves invisible.

11[illegible] A state of things may (to be sure) [illegible] where the aristocratic part of the vo[illegible] may be desirous, by concealing their votes, [illegible] protecting themselves from the fury of the multitude; but precisely the same objection obtains against Ballot, whoever may be the oppressor or the oppressed.—*Id.*

A.—When the aristocratic portion come to the belief they want it, they will get it. As they do already, where they find it to be convenient.

117. Ballot could not prevent the disfranchisement of a great number of voters. The shopkeeper, harassed by men of both parties, equally consuming the articles in which he dealt, would seek security in not voting at all, and, of course, the ballot could not screen the disobedient tenant whom the landlord requested to stay away from the poll.—*Id.*

A.—A good deal is done in this way now. But when the establishment of the Ballot had decided that the vote was a man's own, it would be everywhere more opprobrious and difficult.

118. What a flood of deceit and villany comes in with ballot! I admit there are great moral faults under the present system. It is a serious violation of duty to vote for A. when you think B. the more worthy representative; but the open voter, acting under the influence of his landlord, commits only this one fault, great as it is:—if he vote for his candidate, the landlord is satisfied, and asks no other sacrifice of truth and opinion.—*Id.*

A.—The "sacrifice of truth and opinion" to the landlord, is the thing of certain and every day occurrence,—*the lie in the hand.* The possible fact that one tenant in fifty may try to escape this falsehood by telling another, is *the lie in the bush.* Why is the proverb to be reversed?

119. It must always be remembered and often repeated, and said and sung to Mr. Grote, that it is to the degraded liar only that the box will be useful.—*Id.*

A.—Hand this over to the thousands of honest men who know they will be bettered by it, but were never in a situation to feel tempted to cover themselves by falsehood. Weigh it well, as a specimen of how much the opponent knows about the matter.

120. The man who performs what he promises needs no box. The man who refuses to do what he is asked to do despises the box. The liar, who says he will do what he never means to do, is the only man to whom the box is useful.—*Id.*

A.—The case missed out is that of the man who will neither promise nor do wrong. It is he who wants an alleviation of the present pressure.

Why all this anxiety about the keeping of dishonest compacts? The same author, on the "Curates' Salary Bill," says with approbation, "The law encourages breach of faith between gambler and gambler." Why not between rogue and rogue generally

121. Old John Randolph, the American orator, was asked one day at a dinner party in London, whether the ballot prevailed in his state of Virginia—"I scarcely believe," he said, "we have such a fool in all Virginia, as to mention even the vote by ballot; and I do not hesitate to say that the adoption of the ballot would make any nation a nation of scoundrels if it did not find them so."—*Id.*

A.—Plenty of Old John Randolphs every-where to make sweeping assertions at dinner parties on their own side. What a crop of elderly gentlemen might have been found a few years ago, to say, "I scarcely believe we have such a fool in all Buckinghamshire as to mention even the abolition of the Corn Laws; and I am quite sure it would make us a nation of scoundrels if we were not before."

122. This exclamation of old Randolph applied to the method of popular elections, which I believe has always been by open voice in Virginia; but the Assemblies voted, and the Judges were chosen by ballot; and in the year 1830, upon a solemn review of their institutions, ballot was entirely abolished in every instance throughout the State, and open voting substituted in its place.—*Id.*

A.—Doctors disagree. In May 1855, the Hon. Amasa Walker, Secretary of State for the Commonwealth of Massachusetts, in reply to inquiries in regard to the Act of the Legislature of Massachusetts passed in 1851, for the better security of the Ballot, and also "the general working of the Ballot in America," writes: "The Ballot has ever been in use in this country. It was introduced at the organisation of the National Government, and with one or two exceptions has been established by the Constitution of each of the thirty-one States of the Confederacy, so that it may be said to be nearly universal in all national, state, county, and town elections, as also generally in all other public bodies and corporations, whether for civil, religious, or business purposes. It is by common consent everywhere recognized as the only appropriate mode of determining the will of all constituencies; and the *vivâ voce* and other similar modes, as only admissible in matters of minor importance."

"That this manner of exercising the elective franchise has been found satisfactory is quite evident from the fact, that *it has never been abolished where once introduced,* and that great efforts have been made from time to time, by the friends of popular suffrage, to make the system as perfect as possible."

A specimen of the way John Randolph's system is worked in America may be taken from the following:—

"BLACK LIST.

"Inspectors, be sure and attend early and late at the polls, so as to obtain each and every name of those Locofocos who vote the Locofoco free trade wages' ticket for the selectmen and other town officers. It is of the greatest importance that a true and faithful list should be preserved and published, in order that the public may know them. It is not proper or right, that any one who is a friend to this town's prosperity, should aid, trade with, or employ men who will vote at once against its best interest, its only interest, the whaling business."—*New Bedford Mercury.*

Parody this, those who feel concerned.

Mr. Prentice throws another light upon the subject, in his questions to Americans. "They give votes *vivâ voce* in Kentucky and Virginia," I said. "Kentucky and Virginia are slave states," was the reply.—It was "the slaving business."

123. Not only would the tenant under ballot be constantly exposed to the suspicions of the landlord, but the landlord would be exposed to the constant suspicions and the unjust misrepresentation of the tenant. Every tenant who was dismissed for a fair and a just cause, would presume he was suspected, would attribute his dismissal to political motives, and endeavour to make himself a martyr with the public.—*Id.*

A.—Not only will men be accused of writing to their mistresses, but they will be accused by their mistresses of writing to their wives. There is clearly no end to the thing, but by opening every man's letters at the post-office.

124. All objections to ballot which are important in England apply with much greater force to Ireland, a country of intense agitation, fierce passions, and quick

A.—If the objections are greater, so are the necessities for remedy. And how does the confessional of Father O'Leary harmonise with sealing letters at the post-office?

movements. Then how would the ballot box of Mr. Grote harmonise with the confessional box of Father O'Leary?—*Id.*

125. I observe Lord John Russell, and some important men as well as him, saying, "We hate ballot, but if these practices continue, we shall be compelled to vote for it." What! vote for it, if ballot is no remedy of these evils? Vote for it, if &c., &c.—*Id.*

A.—The "ifs" are all simply taking for granted the things that are in dispute. What Lord John Russell and his friends say is, "We hate new penal enactments; but if these practices continue, we must get over our dislike."

126. In clubs, ballot preserves secrecy; but in clubs, after the barrister has black-balled the colonel, he most likely never hears of the colonel again: he does not live among people who are calling out for seven years *the colonel for ever.*—*Id.*

A.—The effect in clubs is to produce a general feeling of the usefulness of the ballot. An individual now and then tries to make a stand against this feeling; and what does he get by it? And so it would be in constituencies.

127. In America, ballot is nearly a dead letter; no protection is wanted: if the ballot protects any one it is the master, not the man. Some of the states have no open voting.—*Id.*

A.—Much at variance with the latest evidence. Must go on, gathering evidence. ballot,—some have exchanged the ballot for

128. Bribery carried on in any town now, [illegible] probably be carried on with equal succ[illegible] under the ballot.—*Id.*

A.—Try. See whether they like it. Give them the chances of the "probability."

129. [illegible] attorney (if such a system prevailed) would say to the candidate, "There is my list of promises; if you come in I will have 5,000*l.*, and if you do not, you shall pay me nothing."—*Id.*

A.—The attorney would, at most, have only those who kept their word in the dark, *minus* those who did not. How could he tell, but among the immoralities for which he keeps open shop, might be found the immorality of men putting their names down on both sides, and so demanding pay from whichever won? It would be the most natural of all policies, among such a breed of men as he insists upon encouraging.

130. There must be honour among thieves; the mob regularly inured to bribery under the canopy of the ballot, would for their own sake soon introduce rules for the distribution of the plunder, and infuse, with their customary energy, the morality of not being sold more than once at every election.—*Id.*

A.—Do not try to puzzle your thieves, for your thieves are sure to be too many for you. The energy of honest men is as nothing compared with the energy of thieves.

A great part of the error lies in overrating the strength of the dishonest party. The constituencies are not all thieves, nor half of them. The constituencies are not all mob, but have a great sprinkling of respectable persons.

131. If ballot were established, it would be received by the upper classes with the greatest possible suspicion, and every effort would be made to counteract it and to get rid of it. Against those attacks the inferior orders would naturally wish to strengthen themselves, and the obvious means would be by extending the number of voters; and so comes on universal suffrage.—*Id.*

A.—Every reform ever established, was received with the greatest possible suspicion by somebody; and among these have generally been enough of what were called the upper classes, to leave room for trying to fix the odium on them *en masse.* But it is not true that these classes, as a whole, are the enemies of everybody else. Agitation must begin with the most concerned; but it is ever making its way upward.

132. The ballot and universal suffrage are never mentioned by the Radicals without being coupled together. Nobody ever thinks of separating them.—*Id.*

A.—Does anybody believe the suffrage will continue as it is? The schoolboy refused to learn A, because he knew he should be asked to learn B.

"How shall we have the best chance to bully and to bribe?" Answer, "Give the vote to one in eight, and you can deal with them."

A Frenchman said the liberty of Englishmen consisted in the right of selling them-

selves once in seven years. It is worse than that; it is the right of one-eighth to sell the others.

133. There would be this argument also for universal suffrage, to which I do not think it very easy to find an answer. The son of a man who rents a house of ten pounds a year is often a much cleverer man than his father; the wife more intelligent than the husband. Under the system of open voting, these persons are not excluded for want of intellect, but for want of independence, for they would necessarily vote with their principal; but the moment the ballot is established, according to the reasoning of the Grote school, one man is as independent as another, because all are concealed, and so all are equally entitled to offer their suffrages. This cannot sow dissension in families; for how, ballotically reasoning, can the father find it out? or, if he did find it out, how has any father, ballotically speaking, a right to control the votes of his family?—*Id.*

A.—It is not easy to see what the dangerous argument is.

Is it that the clever son and intelligent wife are to say, "You may as well give us votes, because now there is the Ballot, we shall not quarrel with the fool of the family"?

134. I have often drawn a picture in my own mind of a Balloto-Grotical family voting and promising under the new system. There is one vacancy, and three candidates, Tory, Whig, and Radical. Walter Wiggins, a small artificer of shoes, for the moderate gratuity of five pounds promises his own vote, and that of the chaste Arabella his wife, to the Tory candidate; he, Walter Wiggins, having also sold, for one sovereign, the vote of the before-named Arabella to the Whigs. Mr. John Wiggins, a tailor, the male progeny of Walter and Arabella, at the solicitation of his master, promises his vote to the Whigs, and persuades his sister Honoria to make a similar promise in the same cause. Arabella, the wife, yields implicitly to the wishes of her husband. In this way, before the election, stand committed the highly moral family of Mr. Wiggins. The period for lying arrives, and the mendacity machine is exhibited to the view of the Wigginses. What happens? Arabella, who has in the interim been chastised by her drunken husband, votes secretly for the Radicals, having been sold both to Whig and Tory. Mr. John Wiggins, pledged beyond redemption to Whigs, votes for the Tory; and Honoria, extrinsically furious in the cause of Whigs, is persuaded by her lover to vote for the Radical member. The following Table exhibits the state of this moral family before and after the election:—

Walter Wiggins sells himself once and his wife twice.
Arabella Wiggins, sold to Tory and Whig, votes for Radical.
John Wiggins, promised to Whig, votes for Tory.
Honoria Wiggins, promised to Whig, votes for Radical.

In this way the families of the poor, under the legislation of Mr. Grote, will become schools for good faith, openness, and truth.—*Id.*

A.—It is as easy to draw a picture on any other side. It is the common artifice of didactic novelists.

Walter Wiggins kills a pig, and Mrs. W[illegible] is accounted to have a fine hand [illegible] sausage.

Walter is in trouble about his [illegible]; and writes to his landlord promising him the whole proceeds of the devoted animal, if he will deal gently with him.

Walter at the same time writes to two or three other creditors, promising them all precisely the same thing.

Mrs. W. says it's wonderful how meat shrinks in the chopping; and she abstracts a fourth part of the savoury viands, and writes to the universal dealer in the next post town, to take them in return for little comforts which at her time of life it is not to be expected she can do without.

Mr. W. junior, purloins a spare-rib, and presses its acceptance on his friend of the Malt Shovel in the town aforesaid, in reduction of a score he keeps there.

Miss W. has a lover in the militia; so she robs her mother's private pantry, with a story of a man she saw there "which gave her such a turn," and concludes a letter with "Call at the turnpike for seven links of sausages from yours till death H. W."

All this complication of iniquity is going on, because nobody prints a blue book, giving publicity to what the Wiggins family are doing at the post-office.

135. It is urged that the lower order of voters, proud of such a distinction, will not be anxious to extend it to others; but . . . they will call in the multitude as auxiliaries, firmly believing that they can curb their inferiors and conquer their superiors.—*Id.*

A.—Why should not they do the same now? Is it because they are exposed to the wholesome bullying and bribery of the wealthier classes?

136. Some members of Parliament who mean to vote for ballot, in the fear of losing their seats, and who are desirous of reconciling to their conscience such an act of disloyalty to mankind, are fond of saying that ballot is harmless; that it will neither do the good nor the evil that is expected from it; and that the people may fairly be indulged in such an innocent piece of legislation. Never was such folly and madness as this.—*Id.*

A.—Are there no members of Parliament who vote against ballot for the same reason, and are fond of saying open voting is harmless and they may be indulged in it?

What reform ever was or will be, without being declared by somebody "an act of disloyalty to mankind?" It is a stage to have arrived at.

137. I cannot at all understand what is meant by this indolent opinion. Votes are coerced now; if votes are free, will the elected be the same? if not, will the difference of the elected be unimportant? Will [illegible] the ballot stimulate the upper orders to [illegible] exertions? and is their increased jealousy [illegible] interference of no importance? If ballot, after all, is found to hold out a real protection to the voter, is universal lying of no importance?—*Id.*

A.—An avowal that the object is, that votes shall be coerced. Complimentary too to the constituencies, who are liars man and boy, and their mouths must be held by bit and bridle lest they fall upon their owners.

138. If the ballot did succeed in enabling the lower order of voters to conquer their betters, so much the worse. In a town consisting of 700 voters, the 300 most opulent and powerful (and therefore probably the best instructed) would make a much better choice than the remaining 400; and the ballot would, in that case, do more harm than good.—*Id.*

A.—The argument which would have put down every attempt at public freedom from the beginning of the world. Have the "lower order" nothing to protect against their "betters?" The wiser in the last class admit they have.

139. It is hardly necessary to say anything about universal suffrage, as there is no act of folly or madness which it may not in the beginning produce. There would be the greatest risk that the monarchy, &c. &c.—*Id.*

A.—Of what it is not necessary to say anything, let as little as possible be said. Men have their different views of these dangers, as they have of the danger of being attacked by the sea serpent. There is the danger of what he might do; and there is the danger of falling in with him at all.

140. After all, the great art in politics and war is to choose a good position for making a stand. . . . . The people have a right to ballot or to anything else which will make them happy; and they have a right to nothing which will make them unhappy. They are the best judges of their immediate gratifications, and the worst judges of what would best conduce to their interests for a series of years. Most earnestly and conscientiously wishing their good, I say, No Ballot.—*Id.*

A.—The song which has been sung these four thousand years, if there was political argument in the days of Nimrod. Mankind is old enough to know better.

141. That in California, "Should you wish to know the working of the ballot, here it is:—

"Hitherto there have been in the elections in this city frequently shameful schemes of fraud in voting, and still more shameful ones in the mode and result of counting the votes. By villany, a set of thimble-rigging scoundrels have got position as judges and inspectors of elections, and have

A.—Have no law; for if you try to have it, it will be superseded by Lynch law, as in California.

Have no property; for if you try to have it, "infernal scoundrels" will take it from you, as in California. Therefore let "infernal scoundrels" have their way from the beginning.

The answer to all this is, that Manchester is not California.

frequently exercised the power then in their hands to defeat the will of the people, as indicated by their votes. They have stuffed the ballot-boxes, both before the voting commenced, and after it closed, just to suit their own purposes.

"One such infernal scoundrel has thus been able, on more occasions than one, to defeat the choice of thousands."—*From "Our Own Correspondent;" San Francisco. Times*, 10 *July*, 1855.

142. That the ballot is not English.

A.—It is English for gentlemen; it is not English for yeomen. It is a good thing the gentlemen mean to keep for themselves; and then they bespatter all who would think of dipping in the same dish. If a man "trail the puissant pike," it is as clear as English can make it that he ought to have it. If he is of the rank-and-file of humble life, it is cowardly, scandalous, degrading, that he should dream of asking for it.—This will not pass through the sieve of the Mechanics' Institutes.

There is no end of what was not English till men got it. Freedom in all its branches, was not English till they got it. The right of buying in the cheapest market was specially un-English till they got it. The Ballot is only one thing more, which will be English when Englishmen can get it.

143. That what a statesman wants to know is the relative strength of parties in the state. The influences in question affect the relative strength of parties. Therefore what a statesman has to do with them, is to know their effects.

A.—A statesman wants to know the strength of the population, in relation to other countries. Cholera and typhus affect the relative strength. Therefore what a statesman has to do with them is to know their effects.

The defect is in the concealed inference, that this is *all* he has to do with them.

144. That the great object should be, that men should vote the right way.

A.—This is like the argument against lawyers. No man ought to plead on the wrong side. Therefore only one side should be allowed a lawyer.

The answer to which is,—that the pleading, and the voting, is to determine which *is* the right side.

145. That the ballot is a crotchet.

A.—Sealing letters is a crotchet.

Are you an enemy? Dwell on the machinery. Make every part as complicated as possible, and blow a trumpet before what you profess to want to do in privacy and peace.

Are you a friend? Go about your work quietly, as wise men have done before you. If any man talks of a dagger or a mouse-trap, inquire whether he is not sent by the other side. Take care of yourselves, as the gentlemen do; and by-and-by you will be treated like gentlemen too.

146. That the ballot is a degradation.

A.—Noblemen and gentlemen find it no degradation; they do not stir a step without it. "When you tread on a nobleman's corn, how he winces!"

147. That the ballot would repress enthusiasm.

A.—Why should it repress enthusiasm? save only the enthusiasm a man wants to carry to the pay-table with a certificate.

148. That parliament is an imperfect machine. And there is no use in trying to make it a perfect one.

A.—It need not be worse than it might have been. An imperfect criterion may be better than none at all.

A fisherman on the coast made a point of not putting to sea, when grandfather's nose looked blue. It might not be the most perfect of criterions; but the old man's apprehensions took this form, and the junior had the wit to take the hint.

A parliament is such another index. And a wise minister will not persist in his plans, when grandfather's nose looks blue.

149. That what is wanted, is Administrative Reform.

A.—In the celebrated caricatures of Charlet under the Bourbons, a French soldier with a newspaper in his hand was

represented saying, "FAMOUS NEWS! THE KING HAS ORDERED, *that there shall be no more of the factions that disable France.*"

In the same manner our friends want somebody to order, "that there shall be no more of the maladministrations that disable England."

But who is to order it, and why? What motive do they produce or point to, why the men who were interested in maladministration before, should be interested against it now?

The public enemy had rather see them employed as they are, than joining the Ballot Society.

150. That the ballot is the cause of the low men against the high men.

A.—The high men are beginning to know better. All public mischiefs go on, till it is known with accuracy who is damaged or annoyed, and who the contrary. So it was with the Corn Laws and Catholic Emancipation in England; and so it will be with Slavery in America.

The objection to the ballot among what are called the influential orders, is precisely the same as among the working classes. Preserve your own *pound* of undue influence, and preserve a *hundredweight* for your adversary.

Take an example. An election occurs, and an old member, who had served the staple interests of the constituency at home and abroad,—the "Nestor of Free Trade" as the hostile London press chose to denominate him,—proposes himself for re-election. "Every hand"—so the press announces—"appeared to us to be held up." He is opposed by the leading partner in the leading firm, of manufacturers of cannon for Government,—the greatest fabricators of monster mortars in Europe,—the conductors of a little Woolwich, [illegible] parliamentary leaders of Free Trade have seen with their eyes. The election goes on, an[illegible] Free Trade is beaten by Great Guns, by half a dozen votes.

How [illegible]s this come to pass? Simply because *one-sixteenth* of the men who held up their hands are to decide the election, as being the number best adapted for the application of the screw.

Is there one of the commercial men on the Free Trade side, who does not see how distinct his interest would have been, in giving up any influence which might accrue to him through the absence of the ballot, on condition that both sides did the same? Is there any doubt, which side could do without the screw? It is a business question like anything else.

In these ways things will go on, till something comes to mend them. One chance is always this; a time comes when a Government perceives it to be its interest to take a step into the right. For the which, let us do our best in aid.

IN CONCLUSION

It is submitted that the question of the Ballot may be set down as at the stage passed through by the Corn Law and other important questions, where the spread of information among parties who hardly suspected they had an interest, is the object for the friends of Reform to keep in view.

THE END.

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THE SPEECH

OF COUNT CAMILLO CAVOUR,

PRESIDENT OF THE COUNCIL OF MINISTERS,

AT THE SITTING OF THE

16TH APRIL, 1858,

ON THE PROPOSED LAW RELATIVE TO CONSPIRACY

AGAINST FOREIGN SOVEREIGNS,

POLITICAL ASSASSINATION, AND THE COMPOSITION

OF THE JURY UPON THE PRESS.

LONDON:

PRINTED BY C. WHITTINGHAM.

1858.

SPEECH OF COUNT CAVOUR.

GENTLEMEN,

THE committee to whom the preliminary examination of the law for the reformation of juries, and for some modifications in our penal code were referred, have recommended you to reject it, both on le grounds and on political grounds; proceeding thus in accordance with numerous precedents.

Nevertheless, if we consider the importance of the political arguments adduced by the Commission, if we consider the charges which weigh upon the Ministry by reason of these arguments, I may be permitted to express some surprise that the Commission should have thought it possible to examine the question in its legal bearings; since, Gentlemen, if the charges brought against the Ministry on political grounds were true, if the law were indeed the result of foreign pressure, if therefore its adoption, if its simple presentation constituted an offence against the national dignity and honour, it was the bounden duty of your Commission to recommend you to reject it without further examination. Because, Gentlemen, the best of laws would become disgraceful were it introduced under such auspices. Rather give us imperfect laws, the fruit of the free will of the people, than the most perfect codes imposed on us by foreign nations.

This is so true, Gentlemen, that I do not hesitate to

say that the chief good of a people is their dignity; that the prime duty of a government is to watch over the national independence, and the national feeling of honour; since a people who should allow that precious feeling to be enfeebled would be in a state of decline, however perfect might be their political institutions, however worthy of praise their civil codes.

As the Commission did not take the course I have mentioned, but thought it their duty, after drawing up so grave an accusation, to enter upon the legal question, I have reason to hope that the honourable members of the Commission were not so fully convinced of the political arguments which they have introduced. Otherwise, how would it have been possible for the honourable reporter of the Commission, who, upon questions of much less moment, is accustomed to make the Chamber resound with his warm and animated language, to spare us in the present case—when there is question of insulted national honour, of dignity trampled on—to spare us, I say, the thunders of his eloquence, and to adopt instead an unusual style of perfect moderation to which he has certainly not accustomed us in his ten years of parliamentary life? (Laughter.)

However, it is enough that the charge has been made, and that it has been made by a Commission speaking in the name of the officers of the Chamber; the Ministry, therefore, feel it to be their duty to endeavour to exculpate themselves before all things. On the other hand, this charge was repeated by the honourable Solaro della Margarita, by the honourable Pareto, and by other deputies who sit on the left hand side of the Chamber; and consequently the Ministry consider themselves strictly bound to abandon at present all legal questions, and to endeavour to clear themselves before you from the grave political charges which have been brought against them.

My task, Gentlemen, will be restricted to the treatment of the political question. Although thus restricted, this task will be a difficult and painful one to me. Difficult, because I shall be obliged to reconcile that liberality of explanation which the position of accused imposes on us with the respect and prudence which it is my duty to preserve, as representative of the country towards foreign powers; painful, because I must advert to very sad particulars, and disclose wounds which I should wish to be impenetrably concealed.

Nevertheless, I declare that what took place at the sitting of yesterday renders the task less difficult but more painful. Less difficult, because my honourable friend, the deputy Rattazzi, in his able spe began by completely demolishing the sapient legal structure which the honourable reporter of the Commission had raised—a structure already rudely shaken by the honourable deputy Buffa at the sitting of the day before; but still more, because the honourable deputy Rattazzi is nobly and generously willing to associate himself in this case with his former colleagues, and share with them the political responsibility of this act. He who had to bear the weight of so many unjust charges, of so many base calumnies, was yet willing to take upon him a part of the responsibility of a political act to which he was a stranger. This generous conduct on his part has deeply moved us; and I may be permitted to say that it has been a comfort to us, an ample compensation for the many disenchantments to which men are subject who lead ten years of political life.

The speech of the honourable deputy Di Revel has rendered my task more painful, for he brought down the discussion from that height at which it had been maintained by the representatives of the Commission,

by the honourable deputy Solaro della Margarita, and by the members of the extreme left—he brought it down to the sad level of personality.

DI REVEL: I ask to be heard on a personal matter.

DI CAVOUR, *Minister:* There will be others!

DI REVEL: I will answer them too.

PRESIDENT OF THE COUNCIL (with warmth): He, I say, brought it down to the sad level of personality, addressing our distinguished and excellent colleagues, whom I am proud to call also my friends, in language as bitter as it was unjust; addressing it to persons who, meeting with liberal and spontaneous hospitality in this land, have returned the benefits they received by honouring and serving the country of their adoption. (Cheers.)

I assure the Chamber that I shall not follow the example of the honourable deputy Di Revel, but I shall endeavour to raise the discussion to that height at which it was set by the preceding speakers; and in so doing I believe that I am not only fulfilling a duty, but that I am likewise carrying out the intentions of my excellent friends, who have proved, by their conduct in all circumstances, that they are always ready to sacrifice to the good of the country not only their own interests, but also their personal resentments.

The honourable Count Di Revel has thought this a proper opportunity to make a sort of political programme. He has announced to us that the deputies who sit on the benches to the right, perceiving their numbers increased, had met, and ascertained that they agreed in their opinions. (Marks of dissent on the right.) It appears to me that the honourable Count Di Revel said so yesterday.

DI REVEL: What I said is written and printed.

PRESIDENT OF THE COUNCIL: The honourable deputy Di Revel, when the ranks of the right were re-

united and passed in review, had the satisfaction to find that all the members of whom it was composed professed a lively attachment to the Statute and sound constitutional principles. Our honourable new colleagues of the right will allow me to congratulate myself and them upon the patent of constitutionality which they have received from the honourable Di Revel. (Laughter.)

I shall not inquire whether, in this impulse of concentration, it was the Count Solaro della Margarità who descended to the region where the Count Di Revel was, or whether it was the Count Di Revel who ascended to the heights where we saw for some years the Count Della Margarita fearlessly sitting. Having full faith in the words of the Count Di Revel, I no doubt on what he has stated: the future alone will show us whether the contradiction given by the honourable Count Di Revel to the journal *L'Armonia* is confirmed by some honourable members who received among them with so much pleasure, and in such a joyous manner, both the director and the principal editor of that journal. But whatever may be the programme that the reunited party of the right, as stated by the honourable Count Di Revel, purpose to adopt; whatever may be the principles which they mean to support and promote, the members of the right will allow me to address to them a word of advice, or rather a prayer: it is, that, in supporting their opinions in the discussions wherein they take part, they will be pleased rather to follow the example given them by the Count Della Margarita than that which was given at yesterday's sitting by the honourable Count Di Revel (murmurs on the right); for, Gentlemen, I do not hesitate to declare to the Chamber that, although the Count Solaro della Margarita is always animated in supporting his opinions, at times

even somewhat impassioned, in comparison with his colleagues, yet he has always preserved parliamentary decency, and shown himself not only respectful, but I would say even considerate; whereby he has acquired, not the political sympathy, but the esteem of all parts of the Chamber. (Expressions of assent and dissent.)

The honourable Count Di Revel has given you a political programme. I, in answer to this programme, have only to explain to the Chamber the motives which have determined our conduct. But I must, in order that the Chamber may justly appreciate these motives, preface them with a brief exposition of the political system followed by the Ministry in these latter years, or, to speak correctly, of the political system in force in this State from the time that King Victor Emanuel ascended the throne. This explanation of mine will serve, in great part, for a reply to the honourable Count Di Revel, and, where it fails in anything, I will supply it to you before the conclusion of my discourse.

Gentlemen, after the disaster of Novara and the peace of Milan two political courses presented themselves to us. We might, bowing to an adverse fate, renounce in an absolute manner all the aspirations which had guided in latter years the magnanimous King Charles Albert; we might confine ourselves strictly within the limits of our land, and, inclining our eyes to the earth, in order not to see what was going on beyond Ticino and beyond La Macra, dedicate ourselves exclusively to the material and moral interests of our land; we might in a certain way begin again, and continue the policy in force before 1848, the policy which has been explained with much clearness by the honourable Count Della Margarita in his *Memorandum*; we might begin again that most prudent policy which only occupied itself with internal affairs. I believe

that in such a case experience would have been of some service, and that the Ministers, to whom it might have fallen to practise such a policy, would have renounced subsidies to the Carlists, incitements to the Sunderbund, and aspirations of conquest beyond the Apennines.

The other system, on the contrary, consisted in accepting existing facts, in adapting them to the hard conditions of the times, but in keeping alive at the same time the faith which inspired the magnanimous deeds of King Charles Albert. It consisted in declaring the firm purpose of respecting treaties, of maintaining sworn compacts; but in keeping within sphere of policy the enterprise that had failed in battle-field.

The first system certainly presented many and signal advantages; by its application the consequences of the fatal war of 1848 and 1849 might be rendered less disastrous; the finances might be brought back more quickly to a flourishing state, and the people relieved of so many new imposts.

But the adoption of this system implied an absolute renunciation of every idea of the future; it imposed the abandonment of the glorious traditions of the House of Savoy, and the disdainful repudiation of the sad but glorious inheritance of King Charles Albert! (Repeated cheers).

His generous son could not hesitate, and, although much more difficult, he chose the second. (Loud applause.) And to carry it out, Gentlemen, a few days after he ascended the throne he asked an illustrious Italian to preside at his Council whose name was equivalent to a liberal and Italian programme—Massimo d'Azeglio. (Cheers)

The Minister d'Azeglio applied and worked the second system, the principal objects of which were the

following :—In the first place, to prove to Europe that the Italians were capable of governing themselves in freedom, that it was possible to reconcile a system of freedom faithfully but liberally worked with regard to those grand principles of social order which were then threatened in other parts of Europe. This being accomplished, it was to be endeavoured, in the second place, to support in the field of diplomacy the interests of the other parts of Italy.

I say that the Minister d'Azeglio followed out, cautiously indeed, but resolutely, these two objects. He by degrees effected the first, and, before he gave up power, Massimo d'Azeglio had the consolation of seeing how the faith and sincerity of his administration [illegible]e recognized by all the Governments of Europe. By this Massimo d'Azeglio rendered a great service to the State and deserved universal gratitude.

The Ministers who were called to succeed this illustrious statesman made no change in policy, they only sought to apply it to a greater extent, with greater force; and that not because the men were changed, but because the system followed for some years had already produced its fruits, and the time had arrived when they could, without imprudence, give it an ulterior and more energetic developement.

Wherefore in these latter years we have applied ourselves to do away with the remaining prejudices which were entertained against us, and, on the other hand, we have sought all occasions to make ourselves the organ and defenders of the other parts of Italy.

This our system met with a favourable occasion for a liberal development in the Eastern War.

The treaty of alliance was, up to a certain point, an application of this system; for, if it is true, as the honourable deputy Bertazzi stated, that Piedmont took part in the Eastern War because she considered it a just war

—a war of European equipoise, and also, if you will, up to a certain point, a war of civilization—I can assert, however, that we took part in it with the object of increasing the consideration in which Sardinia was held, and in order to acquire new rights to defend the cause of Italy in European Congress. And in regard to the first point that I have just mentioned, that is, the acquisition of credit to Sardinia from her participation in the Eastern War, our hopes were not disappointed. This, I hasten to declare, has been owing but in a very slight degree to our diplomacy, to our political acts. The merit of this great fact, the merit of having effected that Sardinia came out of the war much more esteemed, much more honoured by the other European nations, is, in great part, owing to the admirable conduct, to the sublime demeanour, of our army in the fields of the Crimea. (Cheers.)

In the Congress which put an end to the war we endeavoured to attain the second object of our political maxims. We seized this grand occasion, upon which the representatives of all the chief nations of Europe were assembled, to defend the cause of Italy. And, I may be permitted to say, in the words pronounced on a solemn occasion by the Crown,—it was a great fact to see, for the first time, the cause of Italy defended by an Italian power.

But it is precisely the part taken by Piedmont upon this extraordinary occasion that was bitterly censured by the honourable Solaro della Margarita.

In his speech he endeavoured to show that, if we found ourselves in certain political difficulties after the attempt of the 14th of January, it was owing to the doctrines which we sought to enforce at the Conferences of Paris. He said to us: "You called for foreign intervention in Italy; do not complain if endeavours are made to interfere in your affairs."

I will allow myself to observe to the honourable Count Solaro della Margarita that he interprets very ill what we did at the Congress of Paris. We did not then call for foreign intervention in Italy; but we certainly protested strongly and solemnly against foreign intervention. Let the honourable Solaro della Margarita read again our note sent to the Ministers of France and England, and he will see that it is but one long protest against the occupation of the central portion of Italy on the part of foreign powers.

I do not know how he can convert those our formal and solemn protests into an appeal for foreign intervention. But he will say to me: And the affair of Naples? And I will reply to him succinctly that to this affair we were absolute strangers. If two great Western Powers considered that the internal conditions of the kingdom of Naples were such as not to allow them to maintain diplomatic relations with that government, that was an affair, I repeat it, in which we were not concerned; and an affair which does not constitute foreign pressure, or the intervention of strangers, since it is reduced simply to the withdrawal of the respective representatives. No, Gentlemen, we do not think we have any cause to regret the language held at the Conferences of Paris.

What has occurred since that epoch has confirmed not contradicted our words; and what was written by us upon the condition of Italy in 1856 is but too true in 1858; and if I now had to be present again at that illustrious Congress, I could only repeat my prophecies, adding that they have received but a too sad confirmation of blood. (Hear, hear.)

But here I am blamed both by the Count Solaro della Margarita and by the Count Di Revel for not having obtained anything by the Eastern War or by the Conferences of Paris. They tell us: "This war was

fruitless; you have got no increase of territory, not a single province, not even a commune: therefore you have uselessly sacrificed both men and money."

I do not deny that we have not obtained any material appreciable advantages in money or in acres; but I consider that we have obtained immense moral results from the political system followed by us in these late years, and especially from our participation in the Eastern War, which was the complement of our system.

We have obtained the greatly-increased esteem and reputation in which our nation is held by all other nations of the world; we have obtained the power to proclaim, in the face of Europe and the world, that condition of Italy was grievous, that it required energetic remedies, that the peace of Europe could no firmly secured while that condition lasted.

And, to tell the truth, we have not been contradicted. And I dare assert that there is now scarcely an enlightened person in Europe who does not acknowledge this state of things in Italy, who does not confess that it would not only be opportune but necessary to apply a remedy. We have not obtained material results, but we have obtained a great moral result.

Now, Gentlemen, I believe that if there is any instruction to be derived from modern history it is this: That no important political change, that no great revolution can be effected in material respects, if it is not already previously prepared in moral respects and in respect of ideas. (Sensation, and strong marks of assent.) And if we have been able to work this change in moral respects, and in respect of ideas in favour of Italy, we have done perhaps more than if we had gained several victories. (Cheers.)

I know that the assertion made by me in this Chamber in other sessions, and now repeated, that our reputation in Europe has much increased, has been

contradicted by several persons. I know, for example, that some journals of extreme parties study every day, with disloyalty and unnatural feelings, to prove to Europe that we are in deep moral, intellectual, and material decline.

But these endeavours are vain: their attempts do not succeed beyond our frontiers. And, to confirm what I tell you, I will cite some facts.

I will ask you to note, Gentlemen, how the interest excited in Europe in all that relates to us is increasing. If anything happens in Piedmont, you see immediately all the journals take a lively interest in it, and speak of what concerns us in the most kind and flattering manner. I may say, without fear of contradiction, that, with the exception of the ultra-reactionary and of the Austrian press, all the journals of Europe are well inclined to us, and not only those which are printed on the left bank of the Rhine, but likewise those which are published in the most enlightened and free part of Germany.

Moreover, I can appeal to the testimony of all those of our fellow-citizens who have travelled in these late years in other parts of Europe, whether on business, for instruction, or for pleasure. They will all acknowledge to have met everywhere with the most cheerful and kind reception, merely because they bore the name of Sardinians, of Piedmontese.

Nor is this reputation of ours restricted to Europe, for we have received shining proofs of sympathy from the inhabitants of the other side of the Atlantic. And it will be sufficient for me to remind you that the most enlightened citizens of the North American Athens—the city of Boston—presented us with a splendid cannon.

I will say, moreover, our reputation extends not only from one to the other side of the Atlantic, but to the most remote regions of the East. And I am sure, Gen-

tlemen, that you would have shared the emotion I felt upon hearing a few days ago, from an excellent naval officer closely connected with one of those deputies who most constantly and decidedly oppose the Ministry (laughter), of the reception met with in the Indian seas. You would also be moved in hearing how, upon the banks of the Ganges and in the Birman Empire, the generosity and faith of our King and the bravery of our people were lauded; and if you had heard the prayers offered up upon those banks for the prosperity and glory of our nation. (Cheers.) Whether this was the case before 1848, I ask the sincerity of the honourable Count Solaro della Margarita. (Loud laughter.)

I have briefly explained to you what our policy has been, and what favourable results it has procured us. The question should, however, be considered under all its aspects; and if this policy had useful results, it had, too, some grave consequences: it was not, and it is not, free from dangers. Indeed, Gentlemen, it was impossible for us to remain faithful to the aspirations of King Charles Albert, and that we should desire to retain a liberal and Italian policy, without exciting the resentment of some powers who have interests in Italy opposed to ours. This need not be accounted a marvel, nor can it be a cause of reproach to those powers. Our policy being in direct opposition to theirs, it is natural and obvious that they should cherish sentiments not of the kindest towards us. I do not conceal that this constitutes a grave state of affairs, which should seriously occupy the minds of the government and of the nation. And in truth, Gentlemen, when we compare our forces with the material forces of the powers to whom I have just alluded, we cannot but think of our position as one not free from dangers. And we, matter-of-fact men, we who do not share, in regard to military affairs, the opinions, I will not say the illusions,

into which the honourable Brofferio allowed himself to be led (laughter) the day before yesterday, have been obliged to occupy ourselves largely with this state of affairs.

But how can we avoid this danger and provide against it?

We have endeavoured to solve this question by the system of alliances, by seeking to form, maintain, and extend our alliances with the Western Powers who had not interests in Italy contrary to our own. Therefore the principle of alliances forms one of the chief bases of the system followed both by Massimo d'Azeglio and by his successors.

But here I am opposed to the honourable Brofferio, who holds alliances in little estimation (laughter). According to him, a nation conscious of her rights, and sensible of her power, should not care for alliances, or at most should only consent to ally herself with nations whose political principles and systems are identical with her own.

If international questions and the interests of nations were settled according to the rigour of civil law, if they were determined only by the discourses of eloquent advocates, and were decided by an Amphictyonic council, I should certainly share the opinion of the honourable deputy Brofferio; but the manner in which political and international questions are decided is, too often, very different from that used in dealing with civil questions.

If political questions are discussed by means of diplomacy in notes, protocols, and *Memorandums* with legal arguments, they are not decided by Amphictyonic councils, but on fields of battle, by the battalions and squadrons of the contending powers. And it too often happens, in such cases, that fortune does not always favour rigorous justice; fortune is still, as in the days

of the great Frederick, the friend of great armies. When a nation cannot command very numerous battalions she should endeavour to obtain, when need be, the support of the numerous battalions of her friends and allies.

But the honourable deputy Brofferio will perhaps abandon the first part of his argument and confine himself to the second; he will say: "Form alliances, but form them with people who have institutions and profess opinions similar to our own."

I respect the generous sentiment which inspires this idea in the honourable Brofferio; but must tell him that he may in all confidence admit of alliances with nations whose institutions are not perfectly analogous to our own, without the fear of committing any act of weakness or servility, as history teaches us that the proudest and boldest of all free nations did not disdain to have recourse to the alliance of governments founded on principles totally dissimilar, when they were resolved to make a stand for independence and liberty.

In fact, did not the generous sons of Tell, to whom the honourable Brofferio has frequently referred, when opposed to the powerful duke of Burgundy, have recourse to the alliance with Louis XI., who certainly professed principles very different from those of the burgomasters of Berne and Zurich? And later, when the citizens of the United Provinces of the Netherlands shook off the yoke of Philip II. they sought the assistance of Queen Elizabeth—a queen as absolute as ever existed, whether with regard to politics or religion. Coming down to modern and almost contemporary history, do we not see the Puritans of New England, after having valorously waged war for two years against their mother country, have recourse to the most absolute monarch of the time in Europe, Louis XVI? (Hear, hear.) And then, did not the respected chief

of American democracy, the illustrious Franklin, condescend to mix with the courtiers in the anterooms of Versailles, in order to propitiate the mind of the king?

Do the honourable Brofferio and his friends wish to be more puritanical and virtuous than the great Franklin? (General and prolonged laughter.)

The honourable Brofferio, so full of good faith as he is, will perhaps give up the second part of his arguments, and say: "Well, be it so, if necessity requires that we should associate with governments with which we have no institution in common; but with respect to France it would certainly be more prudent to wait."

And here I speak with all frankness; the honourable deputy Brofferio may believe that, at some future period more or less distant, another government will be substituted for the present government in France. I believe that in this opinion he is in great error. I believe and hope so, since, although I have a great respect for the French nation, I think that of all nations of the world she is the least adapted for the forms of a republican system. But, although I do not consider his hypothesis possible, I will, for a moment, consider it good, and admit the probability of a Republican Government in France. Well, Gentlemen, I say that in such a case we should have nothing to expect from that country constituted as a republic. And here I may be permitted to give a short historical dissertation.

We are taught, both by ancient and modern history, that the policy of all republics has always been highly selfish. Read over the history of the Greek and Roman Republics, and point out a single instance in which these republics waged war to introduce into other countries the principles of liberty and civilization. Greece conquered Asia Minor, but did not plant liberty there. Rome overran all Europe with her victorious eagles; but in no country did she found in-

stitutions similar to those which governed the Roman municipality. Rome destroyed many kingdoms, many empires, but she also destroyed many republics and created none. Rome overthrew tyrants; but it was to raise up in their stead proconsuls more odious and despotic than those whom she had cast down. (Applause.)

In the history of the Middle Ages can we find an example which proves that our great Italian Republics ever carried civilization and liberty beyond the confines of Italy? We see the Republic of Venice, we see that of Genoa extend their dominion beyond the seas, we see them make conquests; but where do we see them establish free institutions? Venice conquers Constantinople, but in order to substitute a Frankish Lord for a Greek Emperor. Venice becomes the queen of nearly all the islands of the Archipelago, she becomes the mistress of the Morea, that classical land of liberty; and what does she establish there? The reign of her own *provveditori;* Genoa did the same. Genoa carried into the East her commerce and her activity, but not her liberty and her institutions; and this system of egotism was so strong that both Genoa and Venice confined liberty within the narrow circle of their walls, whilst even in the Italian provinces which they had conquered they maintained a rule which was paternal, indeed, but completely absolute. (Sensation.)

But we may see perhaps, in more modern times, republics which pursue a less egotistical and more magnanimous system? Certainly not. I will cite the example of the United States, of those United States which sought the alliance of an absolute King to conquer their independence. When this independence was obtained, when they became sufficiently powerful to maintain a conflict both by land and by sea with England, then at the height of her power from her

victories over the great Napoleon, do you see this Republic, so strong, stretch out a friendly and paternal hand to the Americans who were then combating against Spain? Certainly not. You see it maintain the most strict neutrality. And be it not said that this was through the love of humanity, or because it was averse to bloodshed, since, when, for the material interests of the same Republic of the United States, war was renewed against the Mexicans, it well knew how to wage it, not to defend them, but to acquire the possession of several of their provinces.

But why should I seek for examples in ancient, mediæval, or modern history, to prove how false and erroneous would be the idea of counting upon the support of a republic in France?

Within the period of sixty years we have seen in France two republics, one warlike and aggressive, the other peaceful; both these republics, however, with regard to Italy, were worse than egotistical. (Hear.) The first Republic, it is true, drove the Germans from Italy, but did so in order, immediately after, to make a bargain in favour of Austria itself; and here it cannot be said that it abandoned a part to save the whole, for it gave up the Venetian provinces in order to secure its own conquests in the Netherlands, on the banks of the Rhine and Scheldt. (Hear, hear.) And the second Republic? In its councils were, at first, men who have the credit of representing the extreme opinions of the revolution, the Ledru Rollins, the Montfaucons, the Bastides; and what did it do? It refused us every subsidy, not only of men and money, not only of arms, but the subsidy of a general, which we were so egregiously wrong as to request of it. (Great applause.) When the government of that State was, afterwards, partly altered and made to approach rather nearer to that of a monarchy,

when the Sardinian Ministry resolved to renew the war, and turned for assistance to the head of that government, do you know what happened? I will tell you, and I believe I am not committing an imprudence; as an historical fact, which occurred nine years ago, should, I think, be known to all. (Signs of attention.)

The head of that government had decided on hearkening to the appeal made to him by Charles Albert to render material and efficacious assistance in order to declare war with Austria; and do you know what prevented it? It was the leaders of the National Assembly who prevented it and the ministers, among whom were some of the republicans of the present day. This I can say with positive certainty; as I heard it, with great regret, from the lips of an illustrious orator, who had the poor courage to boast to me of having had the principal share in the unhappy resolution which the government, in a certain manner, imposed on their chief.

So much for the generosity of republics! (Deep sensation.)

I believe I have refuted all the arguments brought forward, or which could be brought forward by the honourable deputy Brofferio. There is still another which is sometimes advanced, not by him, but by persons not belonging to this Assembly, who go much beyond the honourable deputy Brofferio, and who, although they now applaud his generous words, would probably consider him, should the opportunity occur, as much too moderate a man. (Laughter.)

These say in their organs: "We will have no alliances with constituted governments, nor with kings, nor with presidents, nor with empires, nor with republics; our great ally is revolution."

Madmen! to think that a revolution, which would once more imperil the great principles on which social

order reposes, could be favourable to the cause of liberty in Europe!

Madmen! not to see that the effect of such a revolution would be to efface every vestige of liberty from the continent of Europe, and to carry us back perhaps to the Middle Ages! Madmen, indeed! but sincere ones, to inform us of aspirations which are not patriotic, but only revolutionary!

Madmen! to love revolution so much more than Italy!

Having opposed the arguments which may be advanced against the system of alliances, I may continue my discourse and show you the manner in which we have applied it.

To be able to form an alliance with a nation it is necessary, first, to inspire that nation with confidence, and to acquire its esteem. And this is what has been done, applying the system of which I have already spoken.

Then it is necessary to endeavour to promote the common interests, to develop the sentiment of mutual good will by an exchange of services and good offices. And this is exactly what we have done, by commercial treaties, by consular conventions, conventions respecting literary property, and by endeavouring in every way to render international relations easy and favourable.

And to obtain such a result we have not been put to great trouble, for we have found the governments both of England and France well disposed towards us.

This system, however, was developing itself slowly when the Eastern War took place, and gave it a solemn consecration, providing us with a means of confirming this mutual good will, these sentiments of sympathy, by a formal treaty.

And here again I must inform the honourable Bertazzi, that in taking part in the War in the East our

object was to put the seal to that system of alliances which we had hitherto practised.

The Congress of Paris gave us an opportunity of giving this system a greater development.

Seeking to apply it widely, not only with respect to France and England, but with respect to all nations whose interests in Italy are not contrary to our own, but rather whose interest it is that the condition of Italy should improve, we have done all we could to re-establish good relations with the Russian Empire, and to increase the sentiment of mutual good will with the kingdom of Prussia. I believe that with respect to Russia we have attained our object, and that we may boast of being on the best of terms with her. I not know whether there was ever a time when our lations with her were better.

I certainly think that Russia is as well disposed towards us now as in Count Solaro della Margarita's time, when we were threatened, I will not say with war, but with an interruption of diplomatic relations with that great empire, *à propos* of the colour of the lappets which the wife of the Russian minister was to wear at the court balls. (General and prolonged laughter.)

With regard to Prussia our endeavours fully succeeded, and I am happy to assure the Chamber that after the Paris Conferences the most amicable relations were established between us and Prussia, and that the Prussian Cabinet is continually giving us new proofs of sympathy and friendship.

I have told the Chamber that the Ministry had adopted the system of alliances and what means it had used to carry it out. But if I have stated that to form and maintain alliances it is necessary to show good will and condescension towards the allies, and that one should listen to their counsels when they are not dictated by a spirit of authority, but by sentiments

of sincere friendship, I must say, however, that this condescension, this docility, has limits which cannot be transgressed. We believe not only that we should not sacrifice the interests, the dignity, or the honour of the country to alliances, but that neither should we sacrifice the principles on which our policy is based—that is, the maxims and sentiments which we consider just and equitable. And I do not hesitate to say, Gentlemen, that we have constantly practised this principle. I could cite numerous examples; I will, however, confine myself to relate two, which, as they are connected with matters which obtained great publicity, may without inconvenience be laid before Parliament.

The Chamber is aware how much we have the English alliance at heart, how much all the ministers have it at heart, as well as myself, who have often been termed an Anglo-maniac (laughter). Yet to this alliance we have never sacrificed our principles, we have never sacrificed what we thought just and equitable, and we did not hesitate to separate ourselves from England in questions where we considered she was not fully in the right.

After the Paris Conference and the treaty of peace, England showed herself to be still greatly pre-occupied with the Eastern question, and desirous of pushing the consequences of the treaty of peace to their utmost limits, to limits which to us appeared unreasonable; and in a special question, a most important one, that of Bolgrad, England thought right to require a determined application of an article of the Treaty of Paris, and requested us in a friendly, but energetic manner, to support her views. After examining the question, and not finding it conformable to the principles of strict justice, finding that the interpretation of England, although it might be called just according to the strict signification of the letter, was contrary to the spirit of

the treaty, we did not hesitate a moment in separating ourselves, in some measure, from England, and in resisting her desires, without, however, fully siding in opinion with France and Russia. We held a middle course; and, after several months of more or less animated discussion, we had the satisfaction of seeing both parties fall in with our opinion and adopt it as the basis of a new convention.

So, again, in the question of the Danubian Principalities, we, to our great regret, were obliged to separate ourselves from England; we considered that it was our duty not to abandon the cause of the Rouman people (bravo! hear!) and to continue to defend, as far as in us lay, those same principles, which, with assistance of powers much stronger than we, were, for a moment, made to prevail in the Conferences of Paris.

Thus we have not been able to follow England in the approaches which she has thought it her duty to make towards Austria.

This will prove that we know how to unite the deference which we owe to our allies with the sentiment, not of our own dignity, but of our duties with regard to the great principles which form our policy.

By this exposition, Gentlemen, I have endeavoured not only to let you know what our policy has been, but to place before you the favourable and unfavourable results which have been derived from it. You know, then, our true position with regard to the other powers of Europe; you will thus be enabled to found the judgment you are about to pronounce on the special circumstances relative to the law before you, bearing in mind our position with regard to other powers.

I now come to the examination of the political circumstances which induced the Ministry to bring forward the present measure for the approval of the Chamber.

If the Chamber will allow me, I will take a few minutes' rest.

(The sitting is suspended for ten minutes.)

THE PRESIDENT: The President of the Council may continue his speech.

THE PRESIDENT OF THE COUNCIL: At the beginning of the present year the political horizon did not appear overcast. The Western States were intent on repairing the calamitous effects of an economical and financial crisis, which had produced unexampled disasters in the principal cities of the world, when the attempt of the 14th of January took place.

This event produced an immense sensation in France, not only on the government, but on the whole nation. And, in truth, Gentlemen, when you reflect on the circumstances which accompanied this execrable act, and the consequences by which it was followed, you will not be surprised.

In fact, Gentlemen, when you consider the plan of the attempt, and the means employed; when you perceive that the abominable deed was directed not only against the chief of the State, but also against a lady, who, a stranger to all parties, is known only for her acts of beneficence, and is loved and respected by all; if you consider, finally, that this did not present itself as an isolated fact, but as an act connected with many others of the same nature, you will not be suprised if the minds of the rulers in France were deeply moved. It was natural, therefore, that the French Government should seek some means of preventing the repetition of such acts, and that for such a purpose it should address itself to the foreign powers; and we must admit that the dispatches which it dictated, and especially the one addressed to us, are impressed with a sentiment of friendship and good will, which must be admitted by all who have read that document, which has been de-

posited for some days in the secretary's office of the Chamber.

Not that I believe that the circumstances relating to our country are all stated, in that dispatch, in the most just manner; on the contrary, I do not hesitate to say that, in my opinion, many of these circumstances, and especially those connected with the events which took place in Genoa, in June last, are judged of in a most severe spirit, and in a manner not conformable to truth.

I believe that the causes and consequences of those circumstances are, in the highest degree, exaggerated by the French Government, which is disposed to view all these facts in a very harsh spirit.

As I stated, France addressed all the friendly powers around her, in order that they should prevent the renewal of such a crime; she addressed us in the dispatch of the 23rd of last January.

Here I must state what has been already intimated in the report of the Commission, but perhaps not so distinctly as to enable every member to acquire a clear conception of it. This dispatch was not replied to in an official manner, that is, it was not answered by another dispatch addressed to our minister at Paris, to be communicated to the Minister of the Foreign Affairs of France.

I must inform you that, according to the usages of diplomacy, there is no strict necessity of replying officially in writing to a dispatch communicated to us. A dispatch communicated is not a note; it only contains observations made by one government to another through the minister, and the same importance and weight are not attached to it as to a note. A note ought to be answered by another note; a dispatch, on the contrary, may be replied to either by another dispatch addressed to the minister accredited to the

power which dictated the first, or an answer may be given verbally to the minister by whom it is presented, or the ambassador at the court whence the dispatch is received may be directed to reply.

We were of opinion that it was better to adopt a verbal reply, as we well knew the state of legitimate anxiety of the French Government, and as we saw that it would be out of place and useless to enter into a species of contest on the subject.

If it had been necessary to reply to that dispatch, we should have been obliged to enter into many explanations with regard to the events of Genoa, and with regard to several other matters which did not appear perfectly correct; and this, considering the state of feeling, might have produced inconveniences.

We believed, therefore, that it was better to reply verbally, and we did so, by means of confidential communication, in a manner which could be appreciated by the Commission, and which appeared to it to be what our duty imposed upon us as the representatives of a noble and loyal people.

We declared to the French Government that we were ready to do all in our power to prevent the renewal of such deplorable attempts; we said that we were disposed to apply, in the most rigorous manner, the means which the law gave us, to prevent, in our State, the concoction of conspiracies which might afterwards be carried out by the commission of such execrable crimes; nevertheless, I candidly confess that we considered that it was possible to accomplish such an end by merely applying, perhaps in a stricter and severer manner, the laws already in existence.

We were of this opinion, and we expressed it to the French Government, when a circumstance took place which modified it.

Before we examine this second circumstance and

explain its political bearings, which we considered weighty enough to induce us to submit to you this important and much-discussed measure, I must inform the Chamber that, in speaking with the representative of France, we admitted the necessity of using all means to try to prevent, as much as we could, the renewal of similar deeds, and manage so as to prevent Piedmont from becoming a place where revolutions and conspiracies might be contrived ; at the same time, I say, that we admitted the gravity of the evil, and sought to repair it, we did not alter, on that account, our language towards the French Government with regard to the miserable condition of other parts of Italy ; nor did we cease to repeat that the attempts were but too often the work of Italian refugees, and that to subject t to a strict surveillance and prevent them, as muc possible, from conspiring was but a palliative. We admitted the evil to be most serious, but would not concede that such a remedy was sufficient ; the only radical remedy would be to prevent these emigrations from being continually renewed, and from keeping the number of refugees always on the increase. We, under these circumstances, I declare it to the Chamber and to Count Solaro della Margarita, to prove to him that I am an impenitent sinner (laughter), held the identical language to the French Government that we used at the Congress of Paris.

And to give him an unanswerable proof of what we advance, I will tell him that at the very time we were occupied in devising means to prevent the renewal of these attempts, when the question was debated whether this object could be attained by the means which the laws placed at our disposal, or whether it was necessary to require new ones from Parliament, at that very time we called the attention of the Government of Rome and France to the state of things which this emigra-

tion produced, which rendered these extraordinary provisions but too necessary to obviate an evil which was well known not to originate in Piedmont.

And, in fact, on February 11 of the present year, not quite four weeks after the attempt to assassinate the Emperor, I addressed a dispatch to our *chargé d'affaires* at Rome, the Count Della Minerva, with instructions to communicate it to Cardinal Antonelli, and furnish him with a copy, in which I pointed out the lamentable inconveniences and grievous calamities arising from this system of rigour.

I also officially communicated this dispatch to France and the other friendly powers. In it I observed:—

"This system of territorial expulsion, carried out by the Papal Government on so large a scale that in our dominions alone the subjects of His Holiness thus expelled amount to several hundreds, cannot but be attended by the most fatal results.

A person banished from motives of suspicion, or on account of misdemeanor, is not always a man of corrupt principles or indissolubly linked with revolutionary cliques. Were he retained in his own country, placed under surveillance, punished when necessary, he might correct himself, or at least be prevented from becoming a very dangerous subject. If, on the other hand, he be sent into exile, irritated by illegal proceedings, compelled to live aloof from respectable society, and often deprived of the means of subsistence, he is inevitably brought into connection with the partisans of revolution.

It then becomes easy for these to surround him, to corrupt him, to enlist him in their clubs. Thus, the malcontent speedily becomes a thorough revolutionist, and sometimes a very dangerous one. It may, therefore, be reasonably maintained that the effect of the system followed by the Papal Government is to

furnish the revolutionary ranks with continual recruits. So long as it shall be persisted in, all the efforts of Governments to break up the strongholds of conspiracy will be in vain; for, no sooner do any withdraw themselves from these centres of danger, than their place is supplied by others, sent in a manner by their Government itself. To this must be attributed the extraordinary vitality of the Mazzinian party, which is in great part owing to the measures adopted by the government of His Holiness." (Much agitation.)

The Chamber, therefore, perceives that, while we frankly and loyally acknowledged the necessity of remedying these most serious evils, we courageously and energetically pointed out their real origin; and, in this affair, in no respect departed from the line of policy we had pursued in the Paris Conferences.

I now continue my exposition.

While we were considering the most suitable means of attaining the end at which we aimed, in conjunction with the French Government, a Turin tribunal pronounced the acquittal of the journal *La Ragione*, under prosecution for the publication of an article considered by the public tribunals as containing a defence of the crime of the 14th of January.

This acquittal occasioned the greatest sensation in the country, and in foreign States (agitation); and we were obliged to bestow the most serious attention, both upon the effect it produced and the consequences that might arise from it. After having maturely weighed the state of political affairs, we determined to present for the Royal signature, and, subsequently, for the approval of Parliament, a measure providing for the punishment of conspiracies, the better definition of the crime of defence of regicide, and an amended constitution of the half-yearly lists of jurymen.

Desiring to speak with all frankness, I will state

that two political considerations had an especial influence on our decision.

Here, Gentlemen, I enter upon the most delicate, the most embarrassing portion of my discourse, and accordingly have need of all your indulgence. (Signs of attention.)

After 1831 there arose, within and beyond Italy, a party which, inspired by sentiments of ardent patriotism, aimed at procuring the independence of the country. From the entire absence of liberty in Italy, on the strength of generous designs set forth with no ordinary ability, this party drew great part of the courageous Italian youth into its ranks. This party is Young Italy. The ill success of its attempts had, even before 1848, cost it a part of its adherents, and when the era of reform dawned upon Italy, another portion gave in its adhesion to the party that thought the condition of the nation might be ameliorated by the employment of pacific means. Its ranks, nevertheless, were sufficiently well filled at the time of the events of 1848.

I will not here recur to the share which this party had in the transactions of this period; it is not my intention to employ an historical polemic, or to recriminate; I will content myself with expressing my firm conviction that its opposition to King Charles Albert contributed not a little to the disastrous result of our military efforts. (Signs of assent.)

Be this as it may, at the close of this epoch of glory and misfortune, when in 1849 all the old governments were re-established in Italy, when the party was compelled to abandon every province and retire to foreign countries, it found itself, if not with diminished numbers, certainly in a mood far more gloomy and exasperated, and bent on the most sinister undertakings.

nd in truth, Gentlemen, it was observed to be

gradually modifying its doctrines, and methods began to be pronounced legitimate, which, prior to 1848, had inspired its own partisans with a just horror. We may see it proclaiming not merely the possibility, but the duty of turning the sword into the poniard, insurrection into such attempts as we have seen, battle into wholesale assassination.

The first application of these deplorable maxims took place at Milan, on the 6th of February. I shall not dwell on these lamentable events, and the fatal consequences that they occasioned both for Lombardy and Italy. These acts opened the eyes of many, and the ranks of this pernicious faction were considerably thinned. Almost every one of honourable feeling and generous disposition abandoned him who had led his followers into such a terrible and senseless proceeding. The party, reduced in numbers, abandoned itself to designs yet more deplorable, and thought to counterbalance the diminution of its forces by a recourse to methods continually increasing in violence, I may say wickedness. Hence, after the affair of Milan, after some other attempts no less foolish and criminal, we see its manifestos gradually approximating towards theories more explicitly justifying political assassination.

This, Gentlemen, is a serious and most lamentable fact. It is inexpressibly grievous that an Italian faction should exist capable of entertaining and proclaiming so wicked and horrible a doctrine. I know that the responsibility of this must not be wholly laid upon the misguided men who have followed this perverse teaching; I know, and loudly proclaim, that the systems which have driven so many to live for so many years amidst the woes of exile, the pangs of poverty, and continual regrets for the country they have lost; that the systems which have compelled minds naturally endowed with generous feelings to dwell apart from

every domestic affection, must incur great part of the responsibility of the facts I have mentioned (signs of approval)—nevertheless these facts exist, and must not be ignored.

It is a great evil for Italy that foreigners should be able to say there is a party in this country which professes the doctrine of political assassination! But far more serious and grievous is it, Gentlemen, that these fatal doctrines have found in the Peninsula a soil to some extent prepared to receive them. The deputies Mamiani and Farini have told you this better than I can, in words of eloquence and warmth. They have shown you the condition of the Roman provinces; they have informed you by how ardent, how generous, how impassioned a population they are inhabited; they have told you how in those provinces the moral sense has been led astray for many years; and how parties, and sanguinary parties too, exist in those provinces, and how they arose there, created it may be by the spirit of revolution, but greatly augmented by means of the reaction. (Sensation.)

Another serious matter, Gentlemen, is, that the fatal, the infamous doctrines of the extreme parties should find a wretched population ready to entertain them, and translate precept into action. These two facts are of the greatest importance, and may prove of immense injury to Italy. They impede the task to which we have addressed ourselves; they sully the reputation of our Peninsula; they check the moral victory we are so bent upon obtaining; they prevent, in a word, the necessity for reform in Italy from being recognized by all Europe.

We thought, then, Gentlemen, that the existence of a party professing the doctrine of political assassination, and of a population which, perhaps by the fault of others, was disposed to put this doctrine into practice,

rendered it (with warmth) necessary, for the interest of Piedmont and all Italy, that in her one free State a voice should be heard, not merely the voice of the Government, but of the nation speaking through its representatives in Parliament, to solemnly and energetically protest against the execrable doctrine of political assassination. (Animated symptoms of approval from all parts of the Chamber.)

This is the first political motive which led us to introduce the measure under discussion.

There is another, Gentlemen, more painful still. (Movement of attention.)

After the crime of January 14, the Government received intelligence from various parts of Europe that the sectaries, excited by the event at Paris, showed themselves more passionate than ever, and spoke in their meetings not only of renewing the execrable enterprise, but of extending it to other rulers. It was no longer a question of the Emperor of France alone, but of a sovereign in whom we have a much nearer interest. (Sensation.)

So long as these communications reached us from distant countries, from countries that might be supposed to have some interest in forcing us along the path of preventive measures, we hesitated, so great was our reluctance to believe that such a design could find a harbour in any Italian breast. But the same information came to us from a source beyond suspicion, from a government most friendly to the exiles, from a government that every day employs the most strenuous exertions to preserve the right of asylum inviolate, and to impede the adoption of measures of extreme severity towards the refugees. These warnings could no longer be doubted. What then, Gentlemen, ought our course to have been? Could we meet such precise information with scepticism, with incredulity? Perhaps

some one will say, you should have repelled this information, seeing that it related to a circumstance morally impossible.

No, Gentlemen, the circumstance is not morally impossible. As you were told yesterday by my honourable friend the deputy Rattazzi, when one has entered upon the path of crime his steps are not retraced so long as madness and an imaginary interest urge him onward; and it is, Gentlemen, but too much the interest of those who hope to render the revolution triumphant in Italy, not to have to do with King Victor Emmanuel, being sure that he alone would suffice to repress and subdue it. (Cheers.)

Hence, Gentlemen, doubt was impossible. What course were we to adopt? Should we have been content with advising our generous and noble-minded King to surround himself with some additional precautions of police?

No, Gentlemen, (with vehemence,) we should have been highly blameable, if, in face of this danger, we had not sought to provide against it by moral as well as material means. Had we not endeavoured to make such provision, the nation, when it had had cognisance of this fact, of these designs, would have rendered us answerable for our negligence; when the nation knew what we knew, it would have arisen against us in indignation, and hurled us from these seats for our want of energetic action.

Hence we have considered ourselves as fulfilling a sacred duty towards our fellow-citizens, and these are the motives which occasioned us to act as we have done.

In considering, moreover, the effects that might result from any negligence on our part, it did not escape us that if the nation had known that, while a Ministry calling itself liberal was in power, nothing

was done to check an infamous doctrine that menaced the life of the sovereign—a reaction might have been produced. For, Gentlemen, the multitude is not always reasonable; and had it found itself under continual and legitimate excitement, a profound and irresistible reaction would have arisen, not only against us, but against the entire liberal party.

Here, Gentlemen, is the second consideration that prevailed upon us to introduce the present measure.

No one, I think, will see in this the effect of external pressure; no one can find in it a proceeding inconsistent with the sentiments of dignity and duty. No, there was no pressure, or, if there was, it was that which honourable men should ever obey—the pressure of conviction. (Cheers.)

I have frankly explained the political principles which led to the introduction of this measure. I should have no more to add, not wishing to enter upon a discussion of legal points, which rather concern my honourable colleague, the Keeper of the Seals, had I not still to meet the charge of our having forsaken our political antecedents, of having placed ourselves in contradiction with our principles, by the proposition of a law relative to the constitution of juries.

Some one will say: "Your observations are just so far as regards conspiracies and the defence of political assassination, but why interfere with the institution of the jury? You thereby violate the law on the press; lay hand, as the honourable deputy Cotta-Ramusino expressed it, upon the sacred Ark of the Constitution; you commit a sacrilege."

I do not think that by proposing this third article we have placed ourselves in contradiction either with our principles, or the spirit of the law on the press, or with the constitution. Our opinion on juries is of old date; the honourable Di Revel yesterday, speaking

of the law of 1852 upon the press, told us that he even then foresaw the necessity of a fresh modification of it, and proposed to go further at that time, to escape the necessity of resuming so painful a discussion. I acknowledge that Count Di Revel is not anxious to be continually altering the organic laws; but, if he had referred to this debate, he would have seen that, while the Ministry objected to the other alterations proposed relating to caution-money, the signature of contributions, the stamp on newspapers, and I know not what else, it loudly declared its opinion that the system of juries, established in 1848, was a bad one.

In fact, in reply to the honourable Menabrea, or speaking to I know not what other, I pronounced these words:—

"Among all the systems in operation among the more civilized nations of both continents, the Ministry believes that our own is the most defective."

The honourable Count Di Revel will thus perceive that the necessity of reforming the composition of juries was already held by the Ministry in 1852. But this opinion was not confined to me and the honourable Deforesta, who formed part of the Ministry, since on the same occasion my honourable colleague Lanza, who yet belonged to the opposition and opposed the law, said nevertheless:—

"I should wish the constitution of juries to be reformed, and acknowledge that it is bad."

Still more, the honourable Miglietti, reporter of the Committee and an opponent of the views of the Ministry, said himself:—

"Deforesta's proposition is not good; but reform the constitution of juries."

The honourable Count Di Revel, therefore, sees that we have been perfectly consistent in proposing a reform now which we had declared to be necessary in

1852. And our sincere conviction of this necessity is shown by our having twice presented a measure proposing both the reform of the constitution of juries and the extension of their functions.

It would have been my desire, and that of all my colleagues, that both these changes might be effected at the same time, for we are the advocates of this institution in its whole extent; but having no hope of this reform being speedily obtained, being aware that the extension of the jurisdiction of juries to ordinary offences encounters a vigorous opposition, within and without Parliament, we thought it urgent to provide in the mean time at least some reform. The danger of apologies for assassination, the mischief that may result from the diffusion of the doctrines I have mentioned, are imminent every day; the remedy, then, ought to be applied immediately. And the necessity of such provision was unanswerably shown yesterday by the honourable Rattazzi, when, with statistics in his hand, he showed that the transgressions of the press never had been and never could be repressed by means of juries.

But, Gentlemen, this opinion is general in the magistracy and the public tribunals. And, if personal matters may be mentioned here, I will tell you of a fact that had the greatest influence on our minds.

The acquittal of *La Ragione* had scarcely been made known, when an illustrious magistrate—a magistrate whose liberal sentiments none can doubt, and of whose public virtues all are convinced, he having given proofs of courage second to none, by daring, in times when liberty was less firmly established than now, to demand the imprisonment of Archbishop Fransoni, from the Turin Court of Appeal—well, this magistrate, upon the promulgation of this acquittal, sent in his resignation to the Ministry, declaring that his con-

science would not suffer him to remain at the head of the tribunals when he had not the means of providing for the execution of the laws.

And, be it permitted us to say, we think we should not be less regardful of the execution of the laws than the illustrious, the virtuous head of the public tribunals of Turin.

And here, with regard to the reform of juries, I should not think it necessary to clear it from the imputation of being occasioned by the demand of a foreign power, since, to tell you the candid truth, there has never been any diplomatic communication respecting the reform of juries, either officially, or as a friendly suggestion, or in private, or in public, or in any way. The act is entirely our own, and is dictated by the necessity of providing, and providing without delay, against an immense disaster.

We desire the reform of juries for many reasons; but do you know one of the principal? Because we are the friends of the system; because we desire its application in its full extent; because we are convinced that its ill-success has produced a very bad effect in the public mind; and that great part of the opposition which the extension of the system encounters, not merely on the benches of the extreme right, but even from liberal and enlightened individuals, proceeds from the manner in which it has hitherto been applied.

We have wished to modify the institution of the jury, for, however we may desire to legislate with regard to the press in a free and generous spirit, we must equally desire that the legislation, be it what it may, should be put in execution. We consider it an immense inconvenience to see the law violated every day, without the possibility of applying a remedy. Now I say that the existence of journals openly professing republican principles, of journals whose avowed design is the overthrow of our institutions, and the

promotion of insurrection, not only in other parts of Italy, but in our own dominions—the existence of these journals, I say, constitutes a perpetual offence against the law, and this is a serious abuse, which it is our duty to reform and correct. (Signs of approbation.) This is why we have introduced the law on juries.

I certainly shall not enter upon a discussion of the merits of our proposal; I shall not seek to justify it to the deputy Di Revel, who considers it so illiberal to agitate the inmost fibres of his heart (laughter); I shall not observe that, in countries with institutions more liberal than our own, there are laws on this matter less liberal than that which we propose. It is, I repeat, by no means my wish to enter upon this discussion; for the moment is not opportune, and I shall not be equal to the subject; I will confine myself to remarking that this system, or, if you will, the system of the minority of the Committee, the cause of such profound emotion to the majority of this body itself and to various other speakers, is, perhaps, the most liberal system in Europe.

I think, Gentlemen, that this will sufficiently prove that by presenting the third article of the law we have not placed ourselves in contradiction with our antecedents, that we have made no illiberal proposition, and that we conceived ourselves to be fulfilling an urgent duty by providing against an evident and most serious evil.

The Chamber has heard the explanations which I have had the honour to offer respecting the domestic portion of our subject, as well as the political considerations which have decided the Ministry to propose this law. After this, I hope it will not ratify the sentence of the honourable deputy Valerio, and will pronounce our acquittal.

I know not whether my explanations and the expo-

sition I have made will be considered satisfactory by the honourable deputy Di Revel and the colleagues in whose name he spoke. If after this he also will declare himself favourable to the law, I shall be doubly pleased, for he must have seen how greatly the political programme of the Ministry differs from that which he expounded to the Chamber yesterday, and has had the opportunity of discovering that the Ministry are not disposed to conciliate his support by the sacrifice of the least of the principles which have hitherto inspired their policy.

The various members and fractions of the liberal party will have sufficiently perceived from the discussion that they have to choose between two political programmes, and in voting upon a question which is essentially one of policy, they will consider the consequences that may result, and will not, I hope, be inclined to give a vote that may tend to establish a system which they assuredly do not wish to see in practice.

This is, I cannot disguise it, a most serious question, on which the fate of the Ministry depends; it is a question involving what is called a ministerial crisis, and this not by the wish, or, if you will, the caprice or excessive susceptibility of ministers, but by the necessary, irresistible results of circumstances themselves.

In a country where the constitutional system is practised in good faith, an open dissension on a political question between a Ministry and the majority of the elective Chamber must necessarily occasion a ministerial crisis. If this be true in the abstract, much more must it hold good in our case, for this is no ordinary political controversy; the question is not whether our system should be more or less enlarged or restrained: if, politically speaking, it should lean more to one power or another: it is whether the Ministry has failed

in the first of its duties, whether it has known how to protect the honour and dignity of the nation, whether it be guilty of everything laid to its charge by the honourable Valerio, Bertazzi, and those who have spoken in support of the opinion of the majority of the Committee. If you, Gentlemen, participate in this opinion, you ought not to suffer us to sit here as representatives of the Crown; we expect with confidence the vote and judgment you are about to pronounce, and shall receive it with respect, be it what it may.

If you confirm the sentence pronounced by the honourable deputy Valerio, in the name of the majority of the Committee, we bow to your decision, but declare frankly that our consciences do not confirm it. It will be easy to resolve upon the easy sacrifice of renouncing a power which we have perhaps held too long; and were we led to do so, our retirement into private life would be unaccompanied by the foolish pride of pretending that our conduct has been free from every error, and that the fate awarded us has been entirely undeserved.

Nevertheless, Gentlemen, if upon proceeding now, as in duty bound, to examine our conscience (laughter), many sins are to be acknowledged; if, in what regards myself—and in treating of examination of conscience I would speak in my own name only—(renewed laughter); if it should come to be proved that we have not, in our difficult task of nearly doubling the resources of the State, always promoted the most fit and convenient measures; if we have not always applied in the most opportune manner the sound principles of political and financial economy—I shall be obliged to confess that I have presumed too much upon the resources of the country; that I have allowed myself to be deceived by the immense faith which I cherish in its future;—if, in one word, it shall be shown by me that

power and ability have not always corresponded to zeal and devotion, of one thing, Gentlemen, I am certain—and here I speak again in the name of all my colleagues, old and new—that, if with regard to internal policy we may have erred, as regards foreign policy, whatever may be your sentence, our conscience tells us that we have not done an act, nor written a line, nor pronounced a word, that was not inspired by a warm love of our country, by a most lively desire to promote its interests, to increase its honours; that, whatever our proceeding, it was constantly guided by the invincible determination to maintain unharmed the national dignity, to preserve free from all stain, whether on the field of battle or in the diplomatic [illegible], that glorious tricoloured flag which a generous sovereign confided to our care. (Loud and prolonged applause in the Chamber and from the Tribunes.)

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MERIT *v.* PATRONAGE:

OR THE

PRESENT POSITION OF THE QUESTION

OF

CIVIL SERVICE COMPETITIONS.

LONDON:
JAMES RIDGWAY, PICCADILLY.
1858.

THE

PRESENT POSITION OF THE QUESTION OF CIVIL SERVICE COMPETITIONS.

The House of Commons has twice expressed its opinion in favour of filling up situations in the Government Service by means of competitive examinations. On the first occasion, in April, 1856, a Resolution for an address to the Crown recomm[illegible]ing *open* competition was carried, after a divisio[illegible] which the Ministers were defeated: on the second occasion, in July last, a Resolution in favour of extending the system beyond the narrow limits within which it has been practically restricted, was carried unanimously, with the consent of the late Ministry and the somewhat ostentatious concurrence of Lord Palmerston, who thanked the House for thus "strengthening the hands" of Government for a work so congenial to their inclinations.

The way in which that Government, thus strengthened for the task, carried out the expressed wishes of the House of Commons may be seen in the recent Report of the Civil Service Commissioners. From that Report it appears that the number of vacancies to which persons were nominated during the year 1857 is as follows:—

Situations and Departments.	By competition.	Without competition
Permanent Clerkships, &c., in the		
Admiralty	...	35
Audit Office . . .	2	...
Charity Commission . .	...	1
Colonial Office	1	1
Customs	24	168
Education Office . .	13	3
Foreign Office (clerks) . .	...	6
House of Commons . .	...	4
India Board . . .	1	1
Inland Revenue . . .	19	2
Lunacy Board (Scotland) .	...	1
National Debt Office . .	1	...
Parliament Office . . .	...	1
Pay Office (Ireland) . .	...	1
Police Courts . . .	1	...
Police Office (Dublin) . .	1	...
Poor Law Board . . .	4	...
Post Office	...	173
Prisons (England) . .	...	17
Prisons (Ireland) . .	...	1
Public Works' Loan Office .	...	1
Record Office . . .	..	1
Registrar-General (England) .	3	7
Do. (Ireland)* .	1	...
Royal Observatory . .	...	1
Stationery Office . . .	...	1
Board of Supervision . .	...	1
Board of Trade . . .	2	28
Treasury	5	3
War Department . .	2	24
Office of Woods . . .	1	3
Office of Works . . .	1	3
	82	538*
Temporary Clerks . . .	...	111
Expectants of Excise . . .	...	312
Tidewaiters and Weighers . .	...	343
Letter-carriers, &c. . . .	..	494
Messengers, &c.	...	12
Total .	82	1810*

* Note.—It appears from another table given in the Report that

From this statement it appears that the late Government summarily excluded from the operation of the competitive principle the whole mass of subordinate situations below the rank of *clerkships,* though it is by no means clear that this principle is not as applicable to them as to the higher appointments; and, indeed, such an application of it has been urgently advocated, on the ground both of benefit to the service and of encouragement to education.*

But, at all events, whatever may have been the views of the House of Commons as to these inferior situations, it is not possible to imagine that any class of *permanent clerkships* was intended to be exempted from the operation of the system thus formally sanctioned. Nevertheless, it seems that the late Government so far forgot its pledges, and did violence to its inclinations, as to make 538 individual nominations to places of this nature, subject only to a *testing* examination, as a protection against positive incompetence. According to this view, the Resolutions of the House must be supposed to be satisfied by the fact that 82 situations, out of probably as many as 400, have been filled up by the successful candidates in 62 competitions.

the numbers in this column do not represent the number of vacancies *filled up ;* as the nominees are sometimes rejected. They represent the number of *persons nominated,* and therefore the number of times on which the Government exercised the option of deciding between competition or no competition.

* See Paper prepared for the Educational Conference of 1857. By Mr. Horace Mann. Stanford, Charing Cross.

It is well worthy of notice, with what utter contempt the expressed will of the House of Commons seems to have been treated by the heads of the large departments. The late First Lord of the Admiralty appears to have had thirty-five opportunities of shewing his respect for the popular Assembly, and to have availed himself of *none*. The Duke of Argyll had no fewer than one hundred and seventy-three such chances of obedience, without accepting *one*. The Foreign Office was not at all less self-willed. And even with regard to its own establishment, the House does not seem to have been able to obtain [illegible] its own officer the least attention to its declared [illegible]es.

But even as to this inadequate number of sixty-two competitions, it should be asked—what *sort* of competitions were they? The utmost extent to which the Government would consent to carry the plan (when they chose to apply it at all) was to nominate *three* persons to contend for each vacancy. Even this limited design was not always accomplished, as it not unfrequently happened that one of the three failed to attend for examination.* And yet further: even

* Table E, in the Appendix to the Commissioners' Third Report, shews that out of 618 persons nominated to competitions, 486 only were actually examined; and the Report itself (p. xvii.), referring to the competitions of 1857, points out that there have been three cases in which only one candidate competed for one situation—ten cases in which only two candidates competed for one situation—and one case in which only two candidates competed for *two* situations.

with regard to those who attended, it often occurred that some were utterly incompetent.* It is obvious, therefore, that many of the "competitions" arranged upon the limited scale hitherto adopted by the Government are practically only such in name. This shews the value of "resolutions" of the House of Commons, when the House contents itself with resolving.

Is this paucity of competitors unavoidable? Must *three* be necessarily the magic number? Cannot a larger supply of good candidates be found? These questions all find an answer in the facts adduced by the Civil Service Commissioners with reference to two competitions for clerkships in their own [illegible]. These competitions were not *open*; neither did it appear that any pains were taken to procure candidates (a few masters of schools only being applied to); and yet, on the first occasion, *forty-four* candidates contended for four clerkships, and on the second occasion *twenty-three* candidates contended for *one* clerkship. A reference to the Commissioners' Reports will shew that almost all these candidates were young men of very good attainments, and belonging mostly to the upper section of the middle class.†

* "Out of 22 competitions for situations in the Customs, there "were ten cases in which only two, and eight in which only one, "of the candidates examined was capable of passing. In the "Inland Revenue, also, in sixteen competitions, there were two "in which only two, and ten in which only one, of the can- "didates examined could have passed."—(Report, p. xviii.)

† See Second Report, p. xv., and Third Report, p. xx.

There is, therefore, no natural difficulty in obtaining plenty of eligible candidates, although it may well be that a difficulty is experienced by those who wish to make nomination an act of political or private patronage. So long as such persons possess the sole power of nomination, they will attempt to limit as much as possible the real operation of the competitive principle, and—by reducing to a minimum the number of competitors, and perhaps by some skill in the selection and grouping of this limited number—will contrive to retain the power of conferring favours on their friends. Nothing short of an Act of Parliament, supporting a thoroughly independent Board, inaccessible to all political influence, will suffice to secure respect for the wishes of the House of Commons, and a fair and proper trial of the system of competition.*

* An opportune illustration of the determination of patrons to force their *protégés* upon the public is furnished by the case (noticed in the *Times* of March 25) of the Quartermaster-General, Sir R. Airey, K.C.B., and his young friend, "Mr. ——," who was so unfortunate as to fail in orthography and arithmetic, and to have consequently had a certificate withheld from him. Sir R. Airey, however, seems to have had the greatest contempt for a mere Order in Council, and to have actually appointed "Mr. ——," notwithstanding his rejection by Her Majesty's Commissioners, and continued him in employment for upwards of two years without the requisite sanction. This is one instance of official jobbery and evasion. Are we not entitled to assume that it is but a sample of many? Although there may not always be this direct and indecent defiance of law, it seems that other means are found, by

From various signs it is evident that the partisans of jobbery are about to gather together their forces

persevering patrons, of obtruding their rejected friends upon the service, viz. by presenting them again and again for examination until they just manage to reach the lowest amount of proficiency compatible with success. It is evident, therefore, that mere Orders in Council and Resolutions of Parliament will be of small avail so long as the departments have the right of patronage.

Another illustration of the hostility of the dispensers of patronage to the fair working of the examination system is discovered in their perpetual tamperings with the standard of qualification, in order to suit the convenience of their nominees. From the printed correspondence appended to the Commissioners' Reports, it appears that successful attempts to lower the standard (fixed, be it remembered, as a proper standard, by the departments them- *before they knew that their protégés were likely to come sh it*) have been made by the Board of Customs, the Postmaster-General, the Receiver of Metropolitan Police, and the Commissioners of Woods and Forests. Now, the question is not whether the changes proposed might not be advantageous in themselves, but, what were the motives which suggested them? The former question is a very proper one for consideration, but it evidently was not the one which was considered. It would certainly be undesirable to exclude really competent candidates by excessive educational requirements; but were any honest endeavours made to ascertain whether the requirements in question *were* excessive? None: no proof whatever is given of any paucity of eligible candidates—the real difficulty is stated in a letter from the Custom House, of 22nd Jan., 1858, viz. "the difficulty "experienced *by Mr. Hayter* in finding persons who are willing "to undergo the examination now required." (Report of Civil Service Commissioners, p. 153.) It would be only reasonable to expect that, before a test is pronounced too severe, a reference should be made to the general labour-market of the country; but it is clearly the opinion of patrons that the standard

for a strenuous attack upon the competitive system, as the most formidable obstacle to their designs. Both openly and covertly these attacks are industriously carried on. Prominent amongst the declared antagonists are Lord Grey (the review of whose recent pamphlet, by the "Times," cannot yet have been forgotten), and Sir J. M'Neil, Lord Campbell, and other eminent Scotsmen, who are, probably, and not unnaturally, annoyed that, as a present consequence of competition, India is no longer the exclusive patrimony of their countrymen.* What

should be adjusted to the necessities of the select circle of their nominees. With the Treasury and the Postmaster-General, the question is, not whether plenty of persons could be found able and willing to pass the prescribed examination, but whether such an examination would be troublesome to the humble friends of "Mr. Hayter" and the Duke of Argyll. It is not difficult to foresee to what a pitch of perfection the tests will be ultimately brought, when such patrons have exhausted their improvements, and when Mr. Hayter's political creditors have finally made up their minds as to how much annoyance, in the way of examination, they are "willing to undergo." By all means, let the standard be lowered, if the standard is too high; but the proper height is a fact to be ascertained—and to be ascertained by appealing to the emulation of the country at large, not by deferring to the ignorance of only that comparatively small portion of it which is willing to wade along the dirty avenues which lead to "Mr. Hayter." If, therefore, the examination system is not to be altogether a farce, and if patronage and jobbery are not to be completely triumphant, it is clear that Parliament must not be content merely to express its wishes, and then leave them to be carried out by those who are interested in defeating them.

* There is no reason why, under the plan of competition, Scotsmen should not obtain at least their fair share of the best

is being done in secret, we may infer from the late exposure of the way in which the admirable plan of unrestricted competition for the Royal Artillery and Engineers was virtually abrogated. From this example of the crab-like propensities of the executive departments when left to their own inclinations, we may see how certain it is that nearly all reforms granted, like continental constitutions, under pressure of a roused popular opinion, will (unless Parliament take more effectual guarantees) be wholly withdrawn, or practically nullified, as soon as the temporary alarm shall have passed away.

It may be well, therefore, in anticipation of this hostility, that the enemies of corruption should now recal to their minds the real object and tendency of the Competitive system, and thus strengthen themselves against the objections which will be pertinaciously urged by its opponents.

The advocates of extended competition assert that it would be followed by three great benefits to the community, viz. (I.) the appointment of better civil servants; (II.) the extinction of much official patronage and jobbery; and (III.) the promotion of popular education. The first of these is the essential

appointments. They generally manage to overcome more serious difficulties than an examination. If, under their present system of education, they cannot compete successfully with English or Irish candidates, their true remedy would be to reform their scholastic institutions instead of expressing unprofitable resentment against the principle of competition.

object of the scheme; the two others being incidental advantages, worthy of consideration as *additional* reasons for the change proposed, if the first position be successfully maintained.

I. First, then, Competition would ensure the supply of better public servants. How?

The argument upon this point is, that a competition between candidates can be so arranged as to discover, with tolerable certainty, which of them are the most able and the best-informed; and that the ablest and best-informed candidates are *most likely* to make the best clerks.

To this it is objected, that a knowledge of abstruse subjects does not imply the possession of the knowledge and ability required for official duties.

The reply is, that abstruse subjects need not be prominent features in any examination, and might be altogether absent from most. As a matter of fact, all the examinations of the Civil Service Commissioners include Handwriting, Orthography, and Arithmetic (which can scarcely be called abstruse subjects), and most of them include English Composition and Abstract of Documents—exercises for which common-sense is the principal requisite. A competent acquaintance with these essentials being secured, it can hardly be contended that a man is the worse for possessing, *in addition*, some knowledge of geography and history, or even of Latin or French. A good scholar, it is true, may not be always able to write neatly or cast up figures

quickly; but if he *can* do these things, there can be no harm, and may be much advantage, in his being also a good scholar. Ignorance is not a positive virtue; and knowledge cannot fairly be regarded as a *dis*qualification. In any case, the objection in question is not valid against competition in itself, but only against a certain conceived improper mode of conducting competition; and the answer is, that competitions can be *properly* conducted, and that the best men in *properly-conducted* competitions would be most likely to make the best clerks. The results of a judicious mixture of practical tests and tests of general information and ability must dissipate the absurd fear that the public offices would be filled with great scholars unequal to ordinary work. What is wanted is, not general knowledge alone, nor practical ability for immediate duties alone, but the best and most useful *combination* of these requisites; and from the facts stated in the Commissioners' Report it may be inferred that they have managed generally to secure this combination.* It is evident from those facts that no really first-

* Thus, in a table referring to a competition for the War Department, it appears that, as the rule, the candidates who were the best in History, Geography, and Languages, were also the best in Writing, Arithmetic, Orthography, English Composition, and Précis (Report, p. xxiii.); and it is also stated that, out of the whole 115 successful candidates in the competitions of 1857, no less than 106 would have been equally successful, had the examination been confined to what may be termed 'practical' subjects. (Appendix, p. 44.)

rate practical man need fear rejection on account of unimportant deficiencies in scholastic attainments; and it may probably, therefore, be safely assumed, as a general rule, that it is from candidates who cannot spell that complaints are heard of the 'severity' and 'abstruseness' of the examinations.

It is, however, again objected that even the best-devised competition must fail because it cannot thoroughly test certain *moral* qualities—such as industry, regularity, and fidelity—which are of the highest importance to the public service.

This, though true as a fact, is simply impudent as an objection; because it quietly implies that the [illegible] of *patronage* has an advantage in this respect. Unless it can be said that these moral qualities are always and successfully tested by the Corruption-Secretary to the Treasury, and by the other dispensers of patronage, it is mere impertinence to parade, as an objection to competition, a deficiency which is common to both plans. The question is, not whether the plan of competition can infallibly secure the presence of these essential qualities, but whether it cannot provide as much security in this respect as *any other practicable plan*, and particularly the plan of patronage. Is it, then, (as Lord Grey and Sir John M'Neil so placidly assume) solely on account of well-ascertained moral excellencies that the Government selects its nominees? Is it wholly due to their superior "industry, regularity, and fidelity," that half of the young popula-

tion of the town of Wells have (if report speaks truly) been secured for the public service? Is it only after a thorough testing and comparison of applicants, with reference to moral characteristics, that the members of the Government fill up the vacancies in their departments; and is it merely a curious coincidence that the most meritorious candidates nearly always happen to have some tie of friendship, or connexion, or political interest, with the Minister who nominates them? Undoubtedly, if all this care, and inquiry, and honest disregard of nepotism and corruption distinguish the Government selections, and if we can be certain that all f[illegible] Governments will be equally careful and hon[illegible] may be reasonable to assert that competition alone cannot provide so great a security as *that;* but if it be true that Government dispenses its favours by quite another rule than that of moral desert, it will be likewise true that selection by competition will give *more* security than we now possess for the acquisition of the moral qualities referred to. The truth is, that there is *no* machinery by which a comparison as to moral qualities can be made with entire success: it is necessary to rely on certain *presumptions* of comparative fitness: and a plan of competition might be so arranged as to furnish more materials for such presumptions than patronage furnishes, since, in addition to the eulogiums of the candidates' friends (which are really all that patronage can in general proceed upon), it would

obtain the evidence of the candidates' own work, indicating, not obscurely, the habits which they must have formed in the course of their previous career.* It cannot be supposed that Mr. Hayter (or whoever may occupy the office) has a personal acquaintance with all his nominees; he must act upon somebody else's recommendation—perhaps, occasionally, upon that of a Member of Parliament. If, therefore, the Members of Parliament were to nominate directly instead of indirectly, we should get just as much security as Mr. Hayter gives us as to the moral qualities of the nominees; and, if the power of nomination were given also, under certain conditions, to other disinterested persons of weight and authority in the country—to Magistrates, Clergymen, Dissenting Ministers, Masters of Grammar Schools, and others—we should combine the advantages of both plans; possessing not only the positive evidence of a responsible nominator† as to the candidate's

* Lord Macaulay thus speaks of the East Indian Examinations:—"Early superiority in science and literature generally indicates "the existence of some qualities which are securities against vice: "industry, self-denial, a taste for pleasures not sensual, a laudable "desire of honourable distinction, a still more laudable desire to "obtain the approbation of friends and relatives. We, therefore, "believe that the intellectual test which is about to be established "will be found in practice to be also the best moral test which "can be devised."—(Report, dated Nov. 1854, of Committee on the Examination of Candidates for the Civil Service of the East India Company.)

† "What is the responsibility of the *Government* with regard to young men appointed to the Customs or Inland Revenue De-

moral worth, but also, in addition, the favourable testimony, in the same direction, which would be implied by success in the intellectual contest between a considerable number of such nominees. It cannot be too distinctly remembered, nor too often repeated, that the question is one, not of a single scheme, but of *alternatives*—of choice, of preference, of the comparative merits of one plan and another. The point is, not whether competition provides an absolutely perfect means of selecting the best officers, but whether it does not provide a better means than does political patronage. Selection according to superior knowledge and ability, as ascertained by an impartial tribunal, may not be an infallible rule; but the question is, whether it is not a better rule than selection according to the sole testimony of a candidate's friends. The exhibition of remarkable proficiency in Writing, Arithmetic, Correspondence, Précis of Documents, History, and Latin, combined with a recommendation from the master of a school or the clergyman of a parish, may not be an unerring proof of a young man's superior fitness for official employment; but is it not better evidence of such fitness than the eulogies of a son's or nephew's merits pronounced by the personal acquaintance or political adherent of a patron?

partment, or any other office of the Civil Service? If any man were to stand up in this House and assert that, in respect of such appointments, there is practically any responsibility whatever, he would be overpowered with the torrents of his own laughter."

Mr. Gladstone, 24th April, 1856.

It is predicted that, as the fruits of competition, we shall get gentlemen much too fine for the service, discontented with their position, and above their work. The value of such a prophecy can be ascertained only by experience; but at least it seems reasonable to expect that most of those who, with full knowledge of the conditions, voluntarily enter the public service, will be found disposed to perform with honesty their portion of the contract; a disposition which, we may hope, would be encouraged by the practice of making the rise of salary and the promotion from grade to grade dependent strictly upon merit. For such exceptional cases as may be uninfluenced by these motives, there would be (if Heads of Departments are fitted for their places) a sufficient remedy—a remedy, too, of easy application under the competitive system, since that system would effectually explode the notion that a Government appointment is an absolute gift, by a patron, of a certain yearly income for the life of the nominee. The very fact itself, of admittance to the service being solely the result of a presumed superior industry and fitness, must produce the conviction that continuance of employment would depend entirely on the fulfilment of this presumption. The apprehended evil, therefore, if at all developed at the first starting of competition, could be only temporary, and would speedily work its own cure. If the successful candidates were too good for the service, they would not remain in the service: their

places would be supplied by others, not quite so able perhaps, but sufficiently able and less aspiring; and thus in a very short time the Public Service, like any one of the open professions, would attract just those persons, and those only, who might be willing to submit to its conditions. Indeed, the objection carries its own refutation. To say that the service will be voluntarily filled with men who dislike the service, is much the same as saying that the Bar or the Church must be filled with men bewailing their hard fate. Neither force nor enticement being used to obtain recruits, it is reasonable to suppose that none will present themselves who do not wish to do so. The object of the competitive system is, not to compel the ablest men in the land to serve the state against their inclinations, but to select the ablest of those who are desirous of serving.

II. Competition would not only secure greater efficiency in public servants: it would also diminish jobbery and corruption—at least with respect to the first appointments. *And there is no other way of doing this.* Practically, there is no alternative between jobbery and extensive competitions. All medium courses must fail. If Government has the exclusive power of nominating, Government will find means of jobbing and bribing with the nominations, notwithstanding any mere *test* examinations, and notwithstanding 'Resolutions' of the House of Commons in favour of competition. The test would be reduced to a minimum, and the little compe-

titions would be reduced to a nullity, rather than the Government would consent to lose the power of obliging its doubtful friends and its reconcileable enemies. What, in a *pass*-examination, is a sufficient amount of ignorance to necessitate the rejection of a highly-connected candidate, must always be a matter within the breasts of the Board of Examiners; and we cannot expect a perpetual succession of unaccommodating judges. In competitions there is no such risk; because, though it may be a hard task to pronounce a particular candidate unfit for the service (and a good-natured Board might, therefore, admit occasionally some very doubtful subjects), it is easy to decide which of several candidates is the best, and no Board would think of supplanting a better for a worse. The danger, here, is not from the Board of Examiners, but from the Government, which, having the power of selecting the competitors and restricting the numbers of them, would be liable to the temptation alluded to by Earl Grey (pamphlet on "Reform of Parliament," p. 181), of so arranging matters as virtually to ensure the success of the candidates of their own preference. So long as human-nature, and especially Government-human-nature, remains what it is, nothing short of practically open competition* can avail to preserve the public appoint-

* *i.e.* Competitions amongst candidates nominated by any person occupying a responsible position in the country, who would vouch for the good character of his nominee.

ments from being made the perquisites of office and the price of political servitude. Lord Grey not only admits this, but defends it. According to him, the abolition of patronage would be injurious; as Government ought, he says, to have the power of reward, in order "to call forth zealous and able services." And other eminent persons, equally well acquainted with the means by which Government in this country is carried on, have expressed grave doubts whether without patronage the House of Commons could be kept faithful to any Ministry. This is a question which the House of Commons itself is best able to answer. Administrative ab[illegible] and abundance of good measures, would, no do[illegible] be novel bribes for a Government to offer; but they might have some little attractiveness. Whether they would be so seductive as the rewards which Lord Grey refers to, the House of Commons must decide.

III. That competitions would probably aid the cause of National Education is sufficiently obvious to render proof superfluous. Indeed, Lord Grey considers that the stimulus would be so great as seriously to affect the physical health of the people. This is, perhaps, an extravagant testimony to the educational force of the system; but there is abundant evidence to shew that, by general and well-conducted competitions, a very great encouragement would be diffused through nearly all the schools in the country—an encouragement so great,

indeed, that its practical value would probably far exceed that of the measures by which Parliament endeavours, at such vast expense, to secure the same important benefit. No doubt, there is something more imposing and attractive in a scheme which costs a great deal of money; and a plan which can be worked at an insignificant expense* is likely to be despised; but it may perhaps be not unreasonable to hope that, at such a juncture as the present, when the national purse is not by any means too full, the House of Commons—which displays its zeal for education by appointing a Commission of Inquiry—will disregard a scheme which, though destitute of grandeur of costliness, would be fruitful in very great and very happy results.

To permit such a scheme to exert its *full* influence upon education, it is necessary that the competitive system should be widely extended; not confined to *clerkships*, but made to embrace the thousands of subordinate situations which are now bestowed according to a theory of merit which is best understood by the Government which acts upon it in preference to the test of an educational comparison. There could be no difficulty in arranging such competitions.

* At the utmost, the cost of the machinery for such examinations ought to be trifling, compared with its beneficial effects; but it might be made absolutely self-supporting if a small fee were charged to each candidate; and there seems to be no valid reason why those who are desirous of obtaining £50, £60, £100, and upwards, per annum, from the State, should not be called upon to prove their qualifications at their own expense.

It must be as easy to compare when the contest is restricted to Handwriting, Spelling, and simple Arithmetic, as when it is extended to History, Geography, and a Foreign Language. Such a comparison ought to be a very simple task—scarcely requiring the assistance of that galaxy of titled names which blazes from p. xx. of the Commissioners' last Report, producing a certain tremor and palpitation in the breasts of even the most secure and unexaminable of readers.

But, at all events, whether the system be limited to clerkships, or extended to the whole service, it is absolutely essential, if education is to be appreci[illegible] benefited, that the existing plan of competi[illegible] among three nominees of the Government should be abandoned. The number of competitors must be increased, and the source of nomination must be changed. All masters of our large schools, who have promising pupils, and all persons occupying responsible positions in the country, should have the right of nominating to competitive examinations. It is impossible to doubt that, by such a mode of dealing with the public appointments, while the efficiency of the Service would be greatly increased, a powerful stimulus would be applied to educational establishments; to all the schools for the middle classes, if the plan were confined to *clerkships*—to all the schools in the country, if the plan were extended to the mass of Government situations.

Probably, enough has now been said to convince all

unprejudiced persons of the value and reasonableness of the plan of competition. Surely, a scheme which would at once improve the service, diminish jobbery, and stimulate education, — a scheme recommended by the support of such statesmen as Gladstone, Graham, Sidney Herbert, and Lord Stanley —recommended also, and no less powerfully, by the hostility of Earl Grey and all the veteran upholders of the divine right of Family-Government —must have already gained the adhesion of the House of Commons and the public. But this adhesion of sentiment is not all that is requisite, nor even the half of what is requisite; for experience has shewn that, unless roused to vigorous and persistent action, the "source of all power" is practically powerless, and the omnipotent Parliament is practically impotent, against the inert force of a stagnant Executive. Against *it*, as Schiller says of Stupidity, "the very Gods fight unvictorious;" or, as Carlyle puts it, "there is in *it* a placid inexhaustibility, a calm viscous infinitude, which will baffle even the Gods—which will say calmly, 'Try all your lightnings here, see whether I cannot quench them.'" Impressible as india-rubber, while the force is being applied to it, no sooner is the pressure removed than every trace of yielding vanishes. A victory gained over the Executive is like a victory gained over William of Orange: the shoutings of triumph have scarcely died away ere the relative positions are restored, and the battle has to be fought over again. Like children playing on the sea-shore, the

House of Commons takes triumphant possession of the sandy tract left bare by the retreating foe, and erects its paper flag of "Resolutions," as a sign of property; but, in the morning, the obstinate enemy will be sure to have returned, as great, as dull, as invulnerable, and as invincible as ever—both the conquest and the emblem of it will have disappeared and been forgotten—and the children will be busy gaining similar victories elsewhere. Promises are the utmost acquisitions made after the severest encounters—barren acquisitions, certain to be recaptured at a convenient opportunity.

> "Ease will recant
> Vows made in pain, as violent and void;"

and all things will quietly return to the *status quo anté*. As well might one attempt to cut figures in water, or make a permanent breach in the air, as to produce by resolutions and leading articles a durable impression on the stagnant Executive. It is of little use, therefore, for the public occasionally to demand, or for the House of Commons annually to 'resolve,' that a great reform shall be effected, unless they exact from their agents some pledges of obedience. No doubt, this suggests a very wide and important question as to the relations which ought to subsist between the different departments of our government—a question too wide and important to be here discussed. The *fact*, however, is clear enough, that the supreme authority in the State is placed in a somewhat humiliating position when, through the

obstructiveness of an Executive which declines to execute—the stubbornness of a servant who refuses to serve—it passes Acts which are not acted upon, and expresses resolutions which are not attended to. It is sufficient, however, now to urge that whatever may be done, or left undone, with reference to the general evil—at least with regard to this particular question of Competition, the House of Commons should, even for the sake of its own dignity, take some steps to secure a proper degree of deference to its declared opinions. For it may, surely, be reasonably asked, whether it is consistent with the self-respect of that House, or with the respect which should be paid to it by the country, that its recorded wishes on this question should be either wholly evaded, or else met with such a flimsy pretence of compliance as could deceive no one except the members of an Assembly so absorbed in the consideration of words and votes as to have lost their natural perception of the higher value of things and deeds.

THE END.

PUBLIC COMPETITIONS

PUBLIC WORKS.

A Letter

TO THE RIGHT HONOURABLE

THE FIRST COMMISSIONER OF HER MAJESTY'S WORKS AND PUBLIC BUILDINGS.

BY

A BYSTANDER.

LONDON:

PRINTED BY JOHN EDWARD TAYLOR,

LITTLE QUEEN STREET, LINCOLN'S INN FIELDS.

1858.

LETTER.

TO THE RIGHT HONOURABLE THE FIRST COMMISSIONER OF HER MAJESTY'S WORKS AND PUBLIC BUILDINGS:

My Lord,

I trust your Lordship will not think I am guilty of an impertinent interference if I presume to address you on a matter of public importance, relating to that department of the public Administration at the head of which your Lordship is so honourably placed. The question relating to the position of competitors who respond to the call of Her Majesty's Government, and prepare designs for important public buildings and monuments, is at the present moment one possessing an absorbing interest in artistic circles; and is not without a certain public importance, inasmuch as the development of those arts which tend so essentially to polish and dignify the manners of a people, while they shed glory upon the nation and age in which

they attain high excellence, forms an object desirable for the public weal, and to some extent determines the position of a country in the commonwealth of nations. As the only countenance which can be given to Art is to encourage its professors, I venture upon this ground to bring before your Lordship's consideration a topic which, as it appears to me, intimately concerns the interests of Art in this country.

Your Lordship is no doubt aware that the course which the Government pursued relative to the projected new Public Offices and Barracks was adopted with reference to another great public work, namely, Monument to be erected in St. Paul's Cathedral to commemorate the greatest of our captains, the Duke of Wellington. In both these instances the importance of the object was considered to justify an invitation to the architects and the sculptors of all nations to prepare designs for the respective objects, from which might be selected that which should appear to be the most worthy and suitable. Is it necessary that I should trace the history of the former of these competitions? Westminster Hall was filled with screens covered with elaborate plans and sections of Public Offices. Each of these—and there were two hundred sets—was the production of much thought, much care, and great labour, and of an aggregate *expenditure*, according to the calculation of an experienced and eminent architect, of £25,000. It is almost incredible that these designs have been passed over, and a non-competitor employed! That Government, whose pledge set all these heads and hands at work,

and induced this vast expenditure on the part of this number of individuals, should withdraw the promise *after the consideration is performed*, is an act of injustice scarcely to be credited. The rights of the competitors are clear. They are entitled to have the promised employment given to one of them, unless the performance of the obligation on the part of Government has become impossible. If it has become impossible to a certain extent, then they are entitled to have the promised employment to the extent to which it is capable of performance. That the employment was promised is clear, because the invitation to prepare designs for competition was upon an unqualified assertion that the competition was for the Public Offices. Who can doubt that each and every of the competitors considered, and was justified in considering, that he competed for the emolument and honour of being appointed architect of the buildings? If the offer fairly bears that construction, the most common morality requires that the reasonable expectations raised by the terms of the offer, relying upon which labour and money has been expended by the person to whom the offer was made, should be satisfied. It is altogether fallacious to say, that by paying the premiums Government have satisfied their obligation. How many competitors would have entered the field if the premiums only had been the bait? What portion of the £25,000 would have been *expended* by the competitors for the chance of £5000? Probably not one in ten of the actual competitors would have competed for the premiums. Nor is it a

part only of the competitors who have been injured. All of them are wronged. A chance is no less capable of valuation than a certainty: each losing the chance loses a thing of value to him. Sincerely do I trust that it may not yet be too late to retract this fatal error, and to concede to the competing architects that which is their due.

It would be difficult to express the *rights* of the competing architects in language more apt or forcible than that adopted by your Lordship's predecessor, Sir Benjamin Hall, when remonstrating with his colleagues in the then Government, against a measure he justly nsidered to be a grievous wrong to the competitors. "It appears to me," he said, in a letter addressed to the then Lords of the Treasury, and published in a Blue-book, "in justice to the competitors, the Government is bound, in the first instance, to consider the *premiated* designs; and if the Government should determine not to carry them out, either in their present or any other form, the author of the design for the Foreign Office should be invited to submit plans adapted to the ground upon which it may be proposed to erect the new office; for if Mr. Pennethorne's plans are adopted, the competition will be wholly disregarded, and an architect who might have competed, but did not compete, would thus be substituted for the successful competitor. . . . It must be remembered, that the prize to be gained by the competing architects was not merely the comparatively trifling sum which formed the award for the successful designs. The architects hoped, and were led to believe by the very

fact of competing for buildings which the Government had publicly declared they intended to erect, that they would, if successful, have the honour and the credit of executing the Offices so determined upon. . . . I consequently beg again to urge upon your Lordships the propriety of the successful competitor for the Foreign Office being employed. If this course is not adopted, the character of the Government and of this Office for keeping faith with the profession of architects will, I much fear, be most seriously compromised, and whenever the Government or this Office is again called upon to erect a public building,—such, for instance, as a new National Gallery, the erection of which may possibly become necessary,—architects of eminence may decline to compete for its erection, as no competitor will place any confidence in the expectation of receiving a greater reward than the amount of the premium offered for successful plans. . . . I do not believe that the mere premiums induced any of the more accomplished architects to compete. To them those premiums were by no means remunerative, being wholly disproportionate to the time and talents they devoted to the competition."

So much for the competition of architects; and now a few words as to the competition of sculptors, in which, as it appears to me, the *obligation* on the part of Government and the *rights* of the competitors are no less clear. In this case, as in the other, Government is under a *pledge* to employ a competitor to execute the work. I should like to know what a contract is, if this be not one. Merely saying in

passing, that by jurists a contract is defined to be "an agreement, upon sufficient consideration, to do or not to do a thing; including a concurrence of intention in two parties, one of whom promises something to the other, who on his part accepts such promise." Now, if it appears that there was a promise by Government to employ *a competitor* to execute the Wellington monument, there can be no doubt that all who furnished designs complying with the conditions specified by Government, did *accept the promise*, and that the expenditure of skill and money on their part in making such models was a "sufficient consideration." The offer lies before me; its terms are clear; there is no saving clause, no reservation of any power to employ a non-competitor. It stands forth in these words: "The Commissioners of Her Majesty's Works and Public Buildings give notice, that it is the intention of Her Majesty's Government to erect a monument in St. Paul's Cathedral, London, to the memory of the late Duke of Wellington, and that they are prepared to receive designs *for the same* from artists of all countries." The second condition prescribes the size of the models; the third provides that they shall be accompanied by a motto; the fourth states the limit of expense, namely £20,000; the fifth, the material of which the monument is to be made; the sixth, the time within which the models must be sent; the seventh, that the Commissioners will not be answerable for damage; the eighth specifies the premiums to be awarded for the nine most approved designs; the ninth is in these words: "If, however,

the artist to whom the *highest* premium may be awarded shall be employed to execute his design, he will not be entitled to receive any premium;" the tenth provides that the models to which premiums are awarded should remain the property of Government. Therefore the only qualification of the promise held out by Government, conveyed in the invitation to prepare designs for the monument, is, that the sculptor receiving the commission should not receive the premium. Surely that is no qualification at all. On the contrary, it strongly ratifies the promise; for it shows that the premiums were meant not as the *object* of competition,—since the successful competitor is to *receive no premium*,—but the commission for the monument; and that they were held out only as an *additional* inducement for artists to undertake the serious labour and heavy expense of preparing models which it was considered the chance of obtaining the commission was not of itself sufficient to ensure.

Such was the offer made to the artists of all countries. How it was responded to is known to your Lordship. Westminster Hall, which was devoted to the reception of the models, displayed a goodly assemblage of works from the studios of "artists of all countries." The Government appointed a commission to examine the designs, and to advise which among them were the best. The Commissioners performed this duty, and after mature consideration made their award; but, apparently under the impression that their functions only extended to an adjudication of the prizes, they abstained from the more important duty of advising

what model should be carried out, or what artist should receive the commission. Their Report, after specifying the works in respect of which the premiums ought to be given, thus proceeds :—" We have thus endeavoured to adjudge the prizes we have been instructed to distribute (in the scale of which we have not thought ourselves at liberty to make any change), in the order which appeared to us to be the relative degree of merit in the models, such models falling within the prescribed conditions as to the space to be occupied and the cost to be incurred. In so doing, we have not thought ourselves bound to take into *exclusive* consideration the peculiar fitness and adaptation to that *spot* in St. Paul's Cathedral which appears to be in contemplation for the erection of the proposed monument, which consideration might possibly have led to some difference in the selection. We cannot at the same time forbear suggesting that before any design is finally adopted by the Government, it would be desirable,—considering the peculiarity of the situation contemplated, and that it essentially differs from that of all the other monuments now existing in the Cathedral,—the opinion of some experienced artists should be called for, who would be better judges of the local effect than we consider ourselves to be ; more especially as Mr. Cockerell, the only one of the appointed judges professionally connected with the arts,—though we have derived from him valuable assistance and information in the progress of the examination,—has declined, on that account, taking a part in the ultimate decision. We may be permitted to

add, that it is with much regret that we have found ourselves precluded from admitting into the competition some of the models, from the circumstance of their having exceeded the limits as to space distinctly laid down in the prescribed conditions."

Such is the Report of the Commissioners, and about it there is nothing of which the competitors could complain, except that there has been some delay in acting upon it, as eight months have elapsed since it was made; and the commission for the monument has not yet been given.

In the case of the architects and the Public Offices there was likewise an open competition, the appointment of commissioners to examine the designs, a report of such commissioners finding which of them were the best; and after all, the reasonable hopes of the competitors were disappointed.

I trust, my Lord, that the members of Her Majesty's Government may see this matter in its true light. That, in considering the question still remaining undecided, what artist is to be employed to execute the Wellington Monument, they are, in order to keep good faith with the competitors, bound to look at *their* works, and at *their works alone*. That they have nothing to do with any non-competitor. That by passing over the laboured productions of the competing artists, an injury will be inflicted on a class of men who deserve well of the State. That British artists will despond, and, as a result, British Art will languish, when they find that even after their superiority has been proclaimed in a competition in which,

entering the field with their brethren of all countries, they were so pre-eminently successful, that out of nine prizes six were awarded to them, including the three highest,—that still their merit is to be denied, in order that a foreigner may be preferred, and he a non-competitor. That Government may see how inadequately they can judge between a finished work, offering all the attractions of vastness and completeness, and mere sketches, with all the crudeness and want of finish belonging to them as such; and how unfair it is to the authors of the sketches to institute such a comparison. That they may feel the inevitable result of ignoring the competition will be, that artists of eminence in their profession will never again be tempted by promises so fallacious; and that this mode of attaining public monuments worthy the nation, cannot, until all memory of the transaction has perished, be successfully resorted to. I have the honour to be,

My Lord,

Your Lordship's

Most obedient, humble Servant,

A BYSTANDER.

Science and Art Department of the Comm[illegible]
Council on Education.

LECTURE

ON THE

PROMOTION OF SCIENCE INSTRUCTION BY THE DEPARTMENT OF SCIENCE AND ART;

DELIVERED AT

THE SOUTH KENSINGTON MUSEUM,

4th February 1861.

BY

CAPTAIN DONNELLY, R.E.,

INSPECTOR FOR SCIENCE.

LONDON:
PRINTED BY GEORGE E. EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
1861.

1879.

Price Twopence.

LECTURE.

I HAVE been directed to give a lecture this evening on the "Promotion of Science Instruction by the Department of Science and Art," comprehending the nature and amount of assistance afforded.

It will be my endeavour, then, to explain to you, as clearly as I can, the general principles on which State aid is given, through this department, in the diffusion of scientific instruction, and to state generally what is the amount of the payments made to science teachers, (for that is really the main point,) and the manner in which they may be obtained. I need not enter into details; these are given in the "Directory" which is published by the department, where the few rules it is necessary to observe are given. But as these rules are merely dry instructions—sign-posts showing you which is the correct road, and every here and there cautioning you not to trespass to the right or to the left—my object is to explain the reasons why such and such a road is indicated; why such restrictions are imposed; what is the goal to be arrived at; in fact, to fill in the outlines; and, as the comparative anatomist rehabilitates from a few bones an extinct animal, clothes it with flesh and life, and shows the terms of its existence, bringing the living animal before the mind's eye, so it is, I take it, for me to endeavour to give some kind of life and unity to this system, to enable you the better to understand the rules. And this is rendered necessary by the fact that though the Science and Art Department has been in existence for many years, since 1852, during which time it has had numerous science and navigation schools in connexion with it, the present system is comparatively new. The first minute of the new system was passed in June 1859, and since then it has been developed, and the conditions of grants towards scientific instruction reorganized and placed on a new and distinct footing.

But before proceeding further, as I see among my audience many who *are not*, and are not likely to *become*, teachers, I may at once distinctly state that this is not a subject likely to be of general interest. The first demand on a lecturer is to make his subject popular and generally interesting. To do so he must have a sympathetic, or perhaps I may say, an audience personally interested in his subject. This may be my case; I shall be very glad if it is. But I am afraid that the title of my lecture may have deceived some. It is no portion of my duty to give any opinion on science generally, the method of teaching it, or the desirability of doing so. What I have to say to you is on the administration of an educational system, addressed to those whom it does more directly concern, the teachers. They, I console myself with the reflection, must be either more or less than human, if they do not take an interest in what explains the method by which they may, if not exactly make their fortunes, at all events do something in that direction. The "monetary intelligence," which fills such a conspicuous portion of the daily intelligence, the state of the funds, of railway shares, &c., is deeply interesting to those on 'Change, to those who have money to invest,

[illegible] res to realize; but to the great mass who have no money to [illegible] no investment to realize, it can hardly be of interest, unless it be to deduce from it, as a pulse, an indication of the state of health of the nation. And this recalls to me that there is one other portion of society, a portion, I am proud to say, larger in England than, perhaps, in any other country in the world, whom my statement may interest—that large number of persons who devote their time, their money, and their labour to the improvement of their poorer fellow countrymen, in that best of all ways, by education.

And now, having run up my true colours, I cannot be charged with sailing under false ones, so I will proceed with my subject.

And first, I must explain what constitutes the Department of Science and Art. It is like many other institutions in this country, a consolidation and enlargement of what already existed when it was created in 1852. I need not trouble you with any lengthy statement about these several institutions, as they have been already explained by Mr. Cole, the secretary and general superintendent, and Dr. Lyon Playfair, the then Inspector-General of Science Schools, in addresses on the functions of the Science and Art Department, delivered in 1857, and since published. I may mention, however, that the oldest institution in connexion with this department is the Royal Dublin Society, which since 1800 had been in the receipt of a parliamentary grant, but was not under parliamentary control. The collections [illegible]w in the museum in Jermyn Street commenced in 1835 with the Geological Survey; they were gradually increased, and a School of Mines having been organized in connexion with them, the whole were placed under the Board of Trade in 1851.

The Royal Dublin Society, the School of Mines and Geological Survey, the Museum of Irish Industry, the Industrial Museum of Scotland, and the Committee of Lectures in Dublin, were consolidated with the Department of Practical Art into one department, under the Board of Trade, in 1852, when Mr. Cardwell was President. It was then called the Department of Science and Art. Provincial schools of art were first established in 1837. The first attempt to establish provincial schools of science was made in 1853.

In 1857 the Department of Science and Art was formed into one division of the Committee of Council on Education, and was to be charged with the duty of offering increased means for promoting secondary or adult instruction; while the other, a separate division at Whitehall, continued charged with the functions of primary education.

The Department of Science and Art is now administered under the ministerial control of the president and vice-president of the Committee of Council on Education.

In 1859, when Lord Salisbury was president, the minute of the 2nd June was passed. It forms the basis of the present system of aid to scientific instruction. It is embodied, with the modifications which have been introduced into it from time to time, in the Science Directory.

The minute of the 14th July, when Lord Granville was president, with two minutes lately passed, one an interpretation minute on the minute of the 14th July, give the system of aid now granted to navigation schools. A directory will shortly be published giving further details as to navigation schools; but the system is very simple, and can be readily understood from the last two minutes, when taken in connexion with the principles of the Science Directory.

The Department of Science and Art is now the constituted machinery for giving State aid to certain branches of instruction—instruction

in art, of which I need not speak further, and instruction in definite subjects of science. I shall presently have occasion more precisely what these subjects are, but I would wish attention now to the fact that the aid is confined to certain definite subjects, and cannot be given to adult instruction generally. The list of subjects may be increased, or it may not. It may be increased so as to include very elementary instruction, in mathematics, for instance; but at present it does not, and therefore it is useless to urge, as is constantly done, that adults of the working classes, having left the elementary school when very young, are incapable of availing themselves of the instruction in which aid is afforded; or, in the form in which applications constantly appear, that such and such a subject, which bears directly on a subject specified, is of great assistance to the right understanding of it. Will an examination in it count for anything? All that can be said is, that nothing more or less than what is specified can be considered, and that we may be thankful for what we have got. At the same time, with reference to those subjects which bear on, and are, as it were, preparatory to the sciences specified, it is evident that, though not directly, they are indirectly aided by the assistance given to the more advanced branches of instruction; while it must be remembered that elementary adult instruction is partially met and assisted by the night schools, or third attendances of the elementary schools under the Education Department.

Before proceeding to explain the manner in which State aid granted to scientific instruction, I may be permitted to glance at the question of the State granting aid at all, or official interference, as it is viewed respectively by the unwilling tax-payer and the out and out supporter of the voluntary system. I cannot attempt to enter fully into this subject. Indeed, one of the first writers on political economy, Mr. John Stuart Mill, has so ably shown that education is one of those things which a government is justified in providing for the people, and that help in education is help towards doing without help, and favourable to a spirit of independence, that it is quite unnecessary for me to say anything on the general question; but I think the most superficial consideration clearly points out the necessity for such help to science, the limits of the interference, and the manner in which it should be exercised, and may perhaps aid us in understanding the rules of the Directory.

I do not wish to enter on the much vexed question of the relative merits of science and other subjects as branches of education. It is a question which has been fully discussed by the ablest men. In the very course of lectures of which this is one, it has been touched upon by Professor Huxley. That instruction in science is *good* as a branch of education in its broadest sense is admitted by all; that it is the *best* means for the development of the mind, though, perhaps, not held by all authorities, is certainly held by an increasing number, and few will deny that it is the best form of education for that large mass with whom we are now principally concerned, who have not time to pursue their studies, classical studies for instance, to any extent. For science, but more particularly experimental science, has the advantage of classics and other studies in this, that sound information in science, however limited in extent, opens a field for thought and reflection, which classics (though I must not be considered as depreciating them) cannot do till after severe and long continued application; and further, this field for thought is so intimately connected with their daily labour, that instruction in it must prevent their going on in ignorance of the principles of their daily

and thereby losing one of the highest enjoyments of intellectual s, the constant employment of their reasoning powers and of their ... tanding. There is another reason for the promotion of *scientific* instruction, it may be a narrow or a low view of the object of education, but, nevertheless, it is a valid one for the assistance of the State, and that is the great extent to which industry at the present time is dependent on science. The results of all human labour must depend on a correct application of the laws of nature. These may, and often have been correctly applied without any knowledge of them in the abstract; that is, they have been employed empirically. But in the present day when science has opened to the world a knowledge of many of these laws, we cannot trust to an uncertain empirical knowledge; success in competition depends more and more on a correct knowledge and application of the laws which science teaches us, and our being the first in the field to take advantage of each new discovery. I need give no illustrations of this. Dr. Hoffmann, in his lecture a few weeks ago, showed some of the numerous results that the advance of one science alone, chemistry, had produced. Sir John Herschel has stated the case very forcibly,—
"If the laws of nature, on the one hand, are invincible opponents, on "the other, they are irresistible auxiliaries; and it will not be "amiss if we regard them in each of these characters, and consider "the great importance of a knowledge of them to mankind:—

"I. In showing how to avoid attempting impossibilities.

"II. In securing us from important mistakes in attempting what "is itself possible, by means either inadequate or actually opposed "to the end in view."

"III. In enabling us to accomplish our ends in the easiest, "shortest, most economical, and most effectual manner."

"IV. In inducing us to attempt, and enabling us to accomplish, "objects which, but for such knowledge, we should never have "thought of undertaking."

It is but the overflowings of abstract science, as has been well remarked, which enter into and animate industry, and no higher authority for the advantage to a State of cultivating such abstract knowledge can be quoted than Mr. Stuart Mill:—

"In the national or universal point of view the labour of the savant or speculative thinker is as much a part of production, in the very narrowest sense, as that of the inventor of a practical art; many such inventions having been the direct consequences of theoretic discoveries, and every extension of the knowledge of the powers of nature being fruitful of application to the purposes of outward life. The electro-magnetic telegraph was the wonderful and most unexpected consequence of the experiment of Oersted, and of the mathematical investigations of Ampére; and the modern art of navigation is an unforseen emanation from the purely speculative, and apparently merely curious, inquiry of the mathematicians of Alexandria, into the properties of three curves formed by the intersection of a plane and the surface of a cone. No limit can be set to the importance now, in a purely productive and material point of view, of mere thought. . . . Intellectual speculations must be looked upon as a most influential part of the productive labour of society, and the portion of its resources employed in carrying on and remunerating such labour, as a highly productive part of its expenditure."

But it is not sufficient that some few of the nation should have a high knowledge of science, while the rest are sunk in ignorance, even if such a state of things were possible. The greatest stimulus is afforded by a wide diffusion. As the tree throwing out its branches

far and wide, receiving nourishment from the air, is still de[illegible]
for a portion of its sustenance and its stability on its roots bei[illegible]
spread and deeply fixed below, so, to be healthy and vi[illegible]
scientific information must more or less pervade all grades of society;
for, as Mr. Buckle has shown, in his History of Civilization, the changes in a civilized nation, or its relative status, depends on the amount of knowledge possessed by its ablest men, on the direction it takes, and above all, on the extent to which this knowledge is diffused, and the freedom with which it pervades all classes of society.

The savant confining himself to abstract science makes his discoveries and gives us a knowledge of the laws of nature; he is, in many cases, unacquainted with the details of manufacture, or is heedless of them, and, therefore, cannot improve them. It is for the men practically engaged to avail themselves of these discoveries. The richer few, I own, are able to, and should provide themselves with this instruction, but to the many this is impossible. "It was," said Lord Brougham, in his inaugural address to the University of Edinburgh, "a pupil of this university (Birkbeck), afterwards transferred to a quasi-collegiate chair at Glasgow, who, 60 years ago, made the first step of lecturing upon scientific subjects to the working classes. In the town where Watt in his workshop applied in philosophic principle the knowledge he had learned from Black, to the construction of the great engine which has almost changed the face of the world, the attempt was mo[illegible] appropriately made, and with complete success, to demonstr[illegible] that the highest intellectual cultivation, and a keen relish for the sublime truths of science, is compatible with the daily toils and cares of our humbler brethren."

Acknowledging, then, the importance of a diffusion of a knowledge of science, an importance so great as to justify an interference of the Government, if the means for diffusing it have not already been furnished by voluntary effort, the question arises—what has been done during these last 60 years? I should certainly say not much, though I am fully aware of the many efforts which have been made by local institutions and by societies, such as the Society of Arts. These efforts have, however, been but partially successful and very restricted. The results keep no pace with the requirements of the times, but, on the other hand, we are falling behind the nations of the continent and behind America in our means of giving scientific instruction to the industrial classes. I need only refer you to Dr. Lyon Playfair's pamphlet on industrial instruction on the continent, to show what was being done there 10 years ago. If it were likely that voluntary effort would or could do much in this direction, I should certainly say let it do so without State interference, but the experiment has been tried long enough without success, and on the other hand the people, and the tax-paying portion of the people more especially, have become loud in their application for Government assistance, as was shown by the numerous petitions from the large manufacturing towns presented after the Great Exhibition in 1851, quoted in the Second Report of the Royal Commissioners. There are few, I imagine, who do not think that this assistance will be more ably and judiciously applied by a central authority, responsible to Parliament, than by local authorities and vestries; but, at the same time, as it would be monstrous for the government of a free country (whatever it may be for a paternal government) to become the apostles of science or anything else, however convinced the members of that government might be of its advantages, so it is evident that the aid should be supplemental to, and not taking the place of voluntary and local effort, avoiding thereby the errors of continental systems, where the State takes the leading and dominant part in education.

c considerations point very clearly, I think, to the best mode e interference.

... first, we may say that State aid should be confined to giving instruction to those who cannot provide it for themselves, but are dependent on those above them, and when the latter, failing by voluntary organization to provide it for them, are willing that Government should step in and aid. At the same time the richer classes who pay for such instruction should be allowed to avail themselves of it, and encouraged to do so; for, State aid forming no part, as it were, of their payments, their larger fees to the teacher will tend to render the system self-supporting.

Secondly, the aid should be given in such a manner as to afford the maximum of assistance with the minimum of interference—interference never amounting to dictation, but simply to securing the honest application of the funds granted. For two reasons, first, because there must always be a tendency in a governing body to twist the convictions of the governed to their own convictions. Whilst, as was said by Mr. Harry Chester, in a speech to the United Association of Schoolmasters of Great Britain, "A government ought to represent "the results of the education of a well-educated people, the "education of a people ought not to take its tone and character from "their government." And, second, because interference is an expensive article. In order to interfere effectually, it is necessary to ..ve a large staff who somehow or other absorb a great deal of ..ney, and we know what the effect of burning the candle at both ends is.

Thirdly, the aid should be granted on an elastic system, if I may so term it,—a system such that, without breaking faith, the aid may be gradually lessened, and even eventually withdrawn, when the necessity for it ceases. The demands for scientific instruction are now small, liberal aid may be afforded without its being an appreciable burthen on the public purse. This is likely to stimulate, and it is to be hoped rapidly increase, the amount of scientific instruction. It would be absurd to expect the country to support the proportionately rapidly increasing demands, which it must do, if the system were inelastic. No, as the demand increases we may naturally expect that the system will become more and more self-supporting, requiring less and less cockering up by State aid.

And lastly, the central machinery should be the smallest possible, every endeavour being made to utilize, and by that means educate local and voluntary effort, not only to save expense but also with a view of its eventually assuming its own responsibilities.

I consider this elasticity one of the great advantages of the present system, for I believe the great objection there is in Parliament and the country generally to the establishment of any new drain on the public purse for however deserving an object, arises from the well-grounded apprehension that in a moment we may be committed to an immense and increasing expenditure, when any attempt at retrenchment is met with a cry of hardship and vested interests. Now, in any system in which the scale of payment is fixed, and dependent on fixed conditions, the payments must increase as the area of the fulfilment of conditions increases. We all must hope for the speediest and greatest extension of education in any form, but looking at it as tax-payers, we may not hope for a proportionate increase of payments. When the conditions are fixed, however, there can be no way of retrenchment with justice; we must either, continuing our aid to those who have already obtained it, say we will assist no others, or by restrictions in the form of vexatious regulations deter further applicants, and this is palpably unjust; some

will have all, and some, depending wholly on accident, nothing; instead of the aid being divided among all according to their dese[rts].

It follows, then, that the conditions should be what I have te[rmed] elastic; and I believe I shall be able to show that the terms of the directory are such, that supposing the development of Science instruction to be very great, and the expenditure to rise proportionately high, if at any time it was decided that there should be no further increase in the expense, in fact, if the country thought it was paying enough for science, and that we should stop at that point, say, 10,000*l* per annum, that 10,000*l*. might still be divided with the greatest nicety and justice year by year over an increasing area, simply according to deserts. Perhaps some of my hearers, looking at it with the eyes of future receivers (which I hope they may be), and not as income-tax payers, may not exactly see the beauties of this power of retrenchment. But I think even they will acknowledge them, when they see the consequent non-necessity for hampering restrictions.

I have thus far quitted my rôle as explainer of an administrative process, and trenched, as perhaps you may think, on the province of the statesman, not with any view of announcing a new discovery of my own, but to make clear to you the rules of the directory by explaining beforehand the spirit which runs through them—the reasons which led to the conditions assuming the form they do.

And now to come to the rules themselves. The first point is the subjects which are aided. These are:—

i. Practical Plane, and Descriptive Geometry, with Mechanical and Machine Drawing, and Building Construction.*
ii. Mechanical Physics.
iii. Experimental Physics.
iv. Chemistry.
v. Geology and Mineralogy.
vi. Animal Physiology and Zoology.
vii. Vegetable Physiology, Economic Botany, and Systematic Botany.

The subjects are again divided into subdivisions for the convenience of teachers and pupils.

And besides these, for the Navigation schools specially, there are mathematics, navigation and nautical astronomy, and physical geography. The Navigation schools have certain peculiarities. I shall, therefore, recur to them again presently, confining myself at present to the Science schools and classes proper.

There are but two ways in which aid can be given to effecting any object, either directly by aiding *in* its accomplishment, or indirectly by rewarding *for* its accomplishment.

Now remembering that our object is to aid in the simplest way the efficient teaching of certain sciences, that is to produce the taught article, having more regard to the advantages of the taught than to those of the teacher, the readiest method that suggests itself is to pay for the result. When we want any ordinary article, clothes, for instance, of a particular quality, we pay a sufficient price for what we require and let the producer take care of himself, knowing very well that if we make it worth his while he will provide us with them, or in fact that the supply will keep pace with the demand. Well, if this department were to apply the same principle and pay so much, a fair price, for the article required, viz., artizans with a certain knowledge of science to be tested by an examination, I have no doubt, in

* Naval Architecture may be taken instead of Building Construction.

onger or a shorter time, depending on various circumstances, we would have what we require. For instance, if 1,000*l.* a year were offered for a certain number of good chemists—of course fixing the requirements within reasonable limits—I have no doubt they would soon be forthcoming. This is the process at present employed for obtaining Science teachers—barring the amounts offered—with what success I shall presently tell you.

This very free trade process is, however, not carried to its full extent in the *teaching;* the state of the labour market required a small tincture of protection. The teacher who can receive payments for the taught pupils must be certificated as qualified to teach by possessing a sound knowledge of some of the before mentioned sciences. I need not trouble you with the various reasons for this restriction, but it is evident that it is not very oppressive, and on the other hand has the advantages of to a certain extent ensuring the results, however limited, being sound, and therefore easily tested; and, further, of providing the country with some criterion of the capability and trustworthiness of the instructors, to whom, of course, this certificate is of proportionate advantage. But the great principle on which all payments are made, that of paying on proved results alone, is still adhered to. For besides enabling the system to be very simple, this has the great recommendation of drawing out the energy of the teacher. It is astonishing how much better the generality of people work when they know that they will be rewarded proportionately to their exertions, than when their rewards are fixed, and they are left more or less to themselves to fix the proportion of work due.

When I say, then, that the department grants certificates, and that these certificates carry with them certain certificate allowances, it must be clearly understood that nothing is paid on faith. These certificates merely carry with them the authority or qualification to earn Government money up to a certain amount, under easy conditions, conditions easier than those under which other sums unlimited in amount may be earned.

To carry out these principles the department holds, in November of each year, an examination of all persons who choose to come up and try for certificates either in one or more of the subjects, or in a subdivision of a subject only.

These certificates are of three grades, 1st, 2nd, and 3rd class, each certificate entitling the holder to earn, under the head of certificate allowances, 20*l.*, 15*l.*, or 10*l.*, according to its grade, that is, if the certificate is for a whole subject, and half that amount if in a subdivision only. Thus, supposing A.B. has a 1st grade certificate in chemistry, and a 1st grade certificate in experimental physics, he is qualified to earn 40*l.* under the head of certificate allowance. This he may earn by teaching a class chemistry or experimental physics, or both.

In order to determine the results of teaching, the department holds in May in each year examinations in the various sciences at all places in the kingdom, where there are classes presenting themselves for examination.

For every pupil of the artizan class who passes such an examination as to justify the examiner in reporting that his instruction has been sound, and that he has benefited by it, the teacher receives 4*l.* of his certificate allowance.

The artizan class is broadly defined, as including all who are in the receipt of weekly wages, and their children. For others who, receiving payments at longer intervals than a week, may still from the smallness of their income be justly entitled to the same benefits.

a special application must be made by the Committee of the Sch as you will see from the Directory.

The pupil, on account of whom payment is claimed, mus received 40 lessons at least from the teacher, not necessarily all in one year, but since the last examination at which payments were claimed on his account.

The examinations which are held simultaneously all over the kingdom are distinct in each subdivision of the subjects before given, that is each subdivision will be taken separately.

Taking the case of A.B., who is qualified to earn 40*l*., supposing he has one class which has been taught inorganic chemistry, on a certain evening in May it will be examined: if 10 or more of his pupils passed, he would receive the whole of his certificate allowance, 40*l*.; if only six passed, he would receive 24*l*., and so on, 4*l*. per passed pupil up to the amount he is qualified to earn by his certificates; for the amount that he may receive under the head of certificate allowance is limited by the value of his certificates; however, many of his pupils pass, A.B. cannot receive more than 40*l*. under the head of certificate allowance. But this is not the only way in which he may earn payments. This condition, easy of fulfilment, is to stimulate him to increase his knowledge, to induce him to work for and obtain certificates of the highest grade, by making a portion of his reward depend on his personal acquirements as distinct from his success in teaching, whilst there is another condition not so easy of fulfilment by which he may earn amounts only limited by h success in teaching.

The amount he may earn altogether by successful teaching is not limited by his certificate allowance or in any way by the rules.

For every one of his pupils of the artizan class who takes a Queen's prize, that is, shows a knowledge something above the mere *pass*, he receives 3*l*., 2*l*., or 1*l*., according to the grade of the prize, over and above anything he may receive under the head of certificate allowance.

Thus, supposing A.B. had passed 10 or 15 pupils, and that six of them had taken first class Queen's prize, he would receives 40*l*. + 18*l*. = 58*l*.; or to take an extreme case, supposing he had not been able to collect a large class, but had taught one artizan very well, that he was examined, and took a first class Queen's prize, A.B. would receive 7*l*., 4*l*. of his certificate allowance, and 3*l*. payment on Queen's prize.

I think I need not give any other illustrations, for I hope these, with the cases given in the directory, will make the rules clear. You will see also from the directory that in the case of a Science teacher who holds a certificate of the Education Department, the value of this certificate is added to the value of his Science certificates, and the amount earned in the same manner.

The amount that a teacher may earn, then, under the head of certificate allowance is restricted, but there is no restriction as to the whole amount which he may by ability and hard work obtain.

I will now pass on to the Queen's prizes and rewards to students.

There is no restriction as to the class of persons who may obtain them. Any one may come up to the examinations, not merely those who have been receiving instruction from the certificated teacher, but outsiders of every class. Indeed, it is made a condition that the committee of a Science school or class shall provide a room for the examination of every one who wishes to be examined; and, as they may be placed at some expense in doing so, they are permitted, if they think fit, to charge a registration fee of not more than 2*s*. 6*d*. for all outsiders.

All who pass a creditable examination, will receive, according to their merits, Queen's prizes of the 1st, 2nd, or 3rd class, consisting of books of different values, according to the grade of the prize. These prizes are not given in competition, but depend, like the certificates of teachers, on certain standards of proficiency being attained. And, as I before stated, for all Queen's prizes taken by artizans taught by the certificated teacher, the certificated teacher receives 3*l*., 2*l*., or 1*l*., as the case may be. He receives no payments for prizes taken by other pupils, nor does an uncertificated teacher receive payments for any pupils of his of the artizan class who take prizes: but the prizes themselves are open to all.

I have now gone through all the conditions and the manner of obtaining the aid of the department, except that the school or class taught by a certificated teacher, and on which he claims payment, must be open at any time to the visit and inspection of the officers of the department, that they may see that there is a proper room, &c. provided for the instruction of the class, and that the apparatus, diagrams, &c., towards the purchase of which the department pays 50 per cent., is kept in proper order. I shall have to speak of the apparatus grants again.

To return to the examinations. Besides the Queen's prizes there are in each subject six medals offered for competition among all the classes. The medals are one gold, two silver, and three bronze, which will be given to the most successful candidates in the examination, if the standard of attainment is such as to justify the examiners in recommending them.

As the examinations in each subject will be held simultaneously all over the kingdom, it is necessary to call in local agencies to give their assistance, for it is evident that the department could not furnish officers to conduct or superintend examinations in fifty or perhaps a hundred different places (as I have no doubt before long there will be) on one night. The committees of the schools are entrusted with this duty. The examination papers prepared in London by the examiners will be forwarded to them, they will see them worked, and return the worked papers to the department for revision, three, at least, of the committee certifying to their having been present and seen them fairly worked.

By this means not only is a great saving effected in the machinery of inspection and examination, but a great step, which it is expected will not be abused, taken to decentralize the system, and by calling on local exertion for assistance, and trusting to it to create and keep alive an interest in the subject. At the same time one examination provides the tests for passing, for Queen's prizes, and for Queen's medals.

The department calls on the committee also for further assistance.* As soon as the results of the examination are made known, the certificated teacher fills up a form of application for salary, with the names of the successful pupils, on whom he claims payment. The committee then certify to the claim on the two points of the teacher having given the students 40 lessons at least, and of their being artizans or operatives, or their children of above 12 years of age. As soon as these lists are verified, the teacher receives his payments.

* The relations of the teacher to the local committee are not defined by the rules of the directory. But it is left to circumstances of the locality to determine whether the teacher engaged by the Committee should be their servant, or on the other hand whether the teacher, having established the class, gentlemen in the neighbourhood merely aid him by acting on a committee.

There is also another form of assistance granted by the department, and that is in the purchase of apparatus, diagrams, and books, &c. Aid is given to the extent of 50 per cent. on the cost price.

This aid is not restricted to the schools and classes taught by a certificated teacher any poor school may obtain aid, but only to the extent of 5*l*.

The apparatus, &c., on which aid is claimed must be that contained in the lists furnished by the department. Some of the apparatus, such as the models prepared by the Messrs. Rigg, and many of the diagrams, as those of Professor Henslow for botany, Mr. Marshall's for physiology, have been prepared at the suggestion of the department, but they are published through the common channels of trade. There is no assumption of the duties of the tradesman. Except to a very limited extent, the department does not constitute itself the judge of the description of apparatus, but in no case does it take upon itself the responsibility of saying which maker's is the best. All manufacturers are allowed to compete under certain restrictions which you will see in the directory, and the decision or choice rests with the applicants. The main condition on which manufacturers compete is that they furnish specimens for exhibition in the Educational Museum with priced catalogues which may be furnished to applicants. The deposited specimens then serve as samples by which to judge of the quality of the articles supplied; and, being collected together in the Museum, enable teachers and others readily to compare them and make a selection. All the invidiousness, and indeed injustice, of a Government Department fixing on one particular manufacturer is thus avoided. These conditions have but lately been made public, but you may see in one of the bays of the Educational Museum the chemical apparatus which the Messrs. Griffin have already sent in with an admirable illustrated catalogue. I believe the Messrs. Elliot and other manufacturers are preparing collections and catalogues with the same object.

I have now sketched briefly the outlines of the directory. It is unnecessary for me to trouble you with details which you may readily find for yourself, though in reality I believe there is scarcely a rule which I have not touched on, for it is one of the advantages of the system that, few checks or restrictions being required, the code may be very brief.

The directory, which many of you may have, appears to contradict my statement, but that is only because it contains a detailed syllabus to guide the reading of candidates for certificates as teachers, as also the examination papers which have been set. And I may here remark that this syllabus is also meant as a guide to the teachers in the instruction of their classes.

The papers which were given at the doors contain, I may say, all the rules. They were printed in that form for the almanac, and I have had them extracted because the present edition of the directory has all been distributed. The new edition is now in the press, and contains some changes in the syllabus consequent on the late division of the subject of natural history, which was formerly taken as one subject with two subdivisions, into two subjects or four subdivisions.

It will soon be ready and can be then obtained on application.

If teachers, and gentlemen on committees too, will allow me to give them a piece of advice in studying the directory, I would say to them—read it as it is, and with the aid of Johnson's Dictionary, if necessary, take the words in their ordinary meaning. This may

seem absurd, but I can assure you that if they had done so many writers would have saved themselves a great deal of trouble. Many questions that are asked show so evidently that the inquirer had made up his mind as to what he thought the rules must be before reading them over, if he ever condescended to do so, and then wrote to ask his way out of difficulties which his foregone conclusions alone had created. Numbers of instances might be mentioned. The words religion, sect, denomination, are never even mentioned, nor is there the slightest indication that there are any such tests or restrictions; and yet a few days ago the question was asked whether the fact of a teacher's pupils belonging to a certain denomination was not a bar to their being examined in chemistry. Again it has been asked whether theoretical mechanics might not mean algebra and trigonometry, and so on. In fact, generally, whether one thing does not mean another.

Thus far many of my audience may think I have been developing a very fine theory; a theory, however, which depends on improbable, if not impossible, conditions to become a working reality. These conditions being whether a demand does bring forward or can ever create a supply of the article required—that is of competent teachers of science; and if it can, whether the inducements now offered are sufficient, and the terms of such a nature as to create a real demand, — whether, in fact, we are not asking for bricks without supplying the straw, while it is impossible for the brickmakers themselves to find it.

I am glad to say I can give a satisfactory answer—that it appears that the straw is to be had and the reward is sufficient to induce the brickmakers to find it for themselves. It must be remembered that I am not enunciating a perfectly new theory. It is a system which has been tested experimentally, and I believe you will agree with me with great success, a success which the most sanguine could not have expected.

In June 1859 the first Minute was passed; though successive additions and modifications have brought it into the shape of the present Directory, the main points—the certificate allowances and examination for certificates in November—were contained in it. No attempts were made to circulate it very widely, and indeed it was not till very shortly before the first examination that the syllabus of subjects could be prepared, and it was considered desirable not to press the matter forward, but to wait and take advantage of the experience afforded by the first examination. Nevertheless, in the following November (November 1859) 57 candidates came up. There were 104 entries for subdivisional certificates (there were then only 11 subdivisions of subjects); 43 candidates were successful and 65 subdivisional certificates taken,—14 first grade, 20 second grade, 32 third grade. This last year (1860) 89 candidates came up; there were then 13 subdivisions of subjects. And there were 170 entries for subdivisional certificates; 75 candidates were successful and 121 subdivisional certificates were taken,—22 first grade, 44 second grade, 55 third grade.

Though the terms of the directory are scarcely yet known in the country, you see there were a considerable number of candidates at the first examination, and an increase of nearly 60 per cent. at the next—in one year. There are now 106 teachers certificated under the new system. Many of the candidates who came up to the last examination had come up to the previous one; some had failed, others came up again to improve their certificates, clearly showing that there was sufficient inducement to tempt them to work and

qualify themselves or improve their certificates. A large pro[portion] tion came up for the first time, and some of these I know had a good deal towards working up their subjects since the ... announcement; and, judging from applications, I believe there are many now preparing themselves for next examination. But of course it must be a work of time—of years—for any large number of persons who may be induced to turn their attention to it to qualify themselves. But the experience of the last examination shows that there *is* that inducement, and the result of the first examination more especially shows that, what with training colleges and what with other institutions, there *is* a means, however limited, of obtaining scientific instruction without the creation of a special training class; and that there are a number of persons who, by availing themselves of these means and by private study, have already qualified themselves for teaching, and to whom it is only necessary to offer certain inducement to make them turn their attention to teaching Science.

This does not prove that we have all that is necessary to create an efficient staff of Science teachers, and I should be the last person to underrate the value or necessity for special training or scientific instruction of the highest class, more especially in some of the subjects which it is next to impossible for a man to teach himself by reading books or to obtain instruction in; and I hope and trust that means may be sanctioned for meeting this want. The professors at the School of Mines in Jermyn Street have already done a great deal by organizing courses of lectures in certain subjects with a special view to assisting teachers in preparing for examination. These lectures have been very well attended, and I am convinced they will be of immense benefit; but at present, of course, it is only Londoners who can attend them.

What I do think the statistics I just now gave you prove is this, that there is sufficient machinery to be obtained in the present way to commence with. And before Government can do any good by aiding in specially training science teachers, we must have a sufficient constituency to support them, which at present there is not. That is to say, I am convinced that if the training of teachers had formed the main channel of aid to scientific instruction for the industrial classes, this attempt would have failed as previous attempts did,—for this reason, when a teacher has been specially trained he naturally expects to make his livelihood by giving scientific instruction and by that alone. Now, at the present time, there are very few places where he could do this,—none where he could do so by his own exertions,—and it would remain for the State either to let him go about his business,—a great hardship, besides the waste of money spent in training,—or, on the other hand, the attempt must be made to give him employment by stimulating some kind of Science school into an unhealthy existence, and by giving the teacher large payments in faith for some years, with a kind of faint hope that he may, almost against his own interest, exert himself so as eventually to do without it.

I am not developing this out of my own self-consciousness. The following extract from Dr. Playfair's lecture will show that I am right:—

"I will take the case of the Potteries School of Chemistry as an illustration. It opened a year since with numerous pupils, under a guarantee for one year of a certain amount of fees by the manufacturers of the district. The health of the master unfortunately gave way, and he had to leave suddenly. The working men

f Stoke, Hanley, and Burslem apply for a new master, and ster a large number of pupils. A master is sent down to make inquiries, but finds that the aggregate of their fees is only 46*l*., and that there are no higher paying pupils in the district. He naturally refuses to accept the school at a remuneration which, including the certificate, would not amount to 100*l*. per annum, and under our present mode of action no more can be given. The meritorious desire of the working classes in the Potteries to learn the science bearing on their trade cannot be gratified." A teacher under the present system having other occupations besides science teaching would be very glad to commence on this footing.

The fact is, that *under the present circumstances of the case*, about the only portion of the day during which he can be engaged in giving instruction in science, at least such instruction as this department is justified in paying upon, that of the industrial or poorer classes, is the evening. It is a well known fact that the children of artizans are taken from the elementary school when they are very young and go to work during the day. Whether any remain till they are old enough, and whether any or what science they might or should be taught in elementary schools (I mean such as are under the inspection of and receive aid from the Education Department, Whitehall), I have nothing to do with, for I am not now discussing science instruction in general, but in particular as connected with this department. One of the regulations is that schools or classes must receive aid wholly from either one or other of the departments and not from both; and further, for reasons which you will see in a memorandum on the subject given in the directory no special payments for science instruction in elementary schools are allowed, as it is considered that the time and work of the teacher in the elementary school is sufficiently remunerated.

But to return, it follows that the only directions in which a science certificated teacher can look to earn his payments is in evening classes for adults held in Mechanics' Institutions, Athenæums, and such places, to a certain extent in schools not under inspection of the Education Department, and in special schools of the nature of trade schools. To these latter I shall revert presently.

With respect to the evening classes, the main dependence at present, you will soon see how the system works, even though there is not sufficient employment for the specially trained teacher. Any one may come up and take a certificate; he may be a working artizan having his day occupied, and turning his evenings to account in giving instruction in science, he may make a very acceptable addition to his income, besides being a most acceptable teacher to his own class. (I am glad to say we already have certificated teachers of this stamp.) Or he may be a clerk in a merchant's office, or a teacher in an elementary school, who not having pupil-teachers apprenticed to him, has his evenings to himself and turns them to account in this way. These last are perhaps the largest class of certificated teachers, and they possess the great qualification of being accustomed to teach.

To all such the science instruction gives an addition to their ordinary income; they can be content with small, very small, beginnings, even classes of 4 or 5, or 1, for the matter of that.

It is different with the specially trained teacher; he can hardly be expected to commence two trades at once. There is not a large ready made science constituency to support him, and he might starve before he had formed one. This constituency will be stimulated and developed much better by the resident teachers of the

class I have spoken of than by specially trained men sent down a supported by large grants while doing so.

That there will be such a development in time as will support teachers in many places while only giving scientific instruction I anticipate with great confidence. For even admitting that at present *all* the children of the working classes are removed from the elementary school before they are old enough to learn any science, I believe the real reason was given by Lord Stanley when he said "the school teaching of the boy has no connexion with the "after life of the man. Without a well-considered system of in- "struction for youths and men, the school system, by which chil- "dren only are taught, remains imperfect and almost useless, an "ample foundation, but left without a superstructure." The early demand for labour is a strong inducement, and no wonder it is given way to, when there is no counteracting inducement. When the parents themselves, when artizans, study in the evening classes, and see the advantages that their children may obtain by remaining longer at a day school, where the instruction is carried on to something that will be of daily application, I believe it will be otherwise; and the experiments tried at many places bear me out.

In existing elementary schools not receiving aid from the Education Department classes of the more advanced boys can of course be formed at once under a certificated teacher, and, if not from them alone, between them and the evening classes for adults, he may readily obtain his allowances. Such is the case in the Glasgow secular schools. There are about 200 boys and girls in the school altogether, who receive a certain amount of instruction in science, that is to say, it is systematically made a means of education. Physiology has been taught in this way for some time. The head teacher in this school, Mr. Mayer, obtained a certificate in chemistry at the examination in November 1859. In the June following, when I inspected the school, 12 of the best pupils in chemistry came up for examination; all but 3 passed, and 6 obtained Queen's prizes.

But there is also another class of school which I believe in time, as the industrial classes of the country become more impressed with the advantages of scientific instruction for their children, will be greatly multiplied, and will not only give employment to science teachers, but be of great advantage to the country: I mean the trade schools, schools something beyond the ordinary elementary school, taking the children of artizans and small tradesmen when they have learnt to read and write and cypher, but not till then, and giving them a special or technical education if they please; but at all events an education far above that of the ordinary elementary school. Of these schools Canon Moseley and Canon Richson have long been great advocates. A school of this nature, the Bristol Trade School, which Canon Moseley was mainly instrumental in establishing, is at present doing very well. The inhabitants are becoming fully alive to its benefits, and many free apprenticeships have been given in competition among the pupils by the manufacturers of the neighbourhood.*

* In Dr. Lyon Playfair's Introductory Lecture in the "Government School of Mines," for the Session 1852-3, is a full report of the state of industrial instruction on the Continent. In Prussia we find there were 26 provincial trade schools, feeders to a central institution containing about 170 pupils, to which the best pupils of the provincial schools have the privilege of passing and receiving gratuitous instruction in all the information that may be required by a person engaged in any of the productive arts. They are not admitted "unless they are well acquainted with the elements of mathematics, physics, chemistry, and drawing." For admission to the provincial schools, the pupils "must have had a good primary education in his own language, must thoroughly "understand the elements of arithmetic, and the mensuration of plane and solid bodies "and must be able to show that he is a good free-hand drawer."

The great administrative difficulty with them, and what has in fact caused their failure in all cases, except the one before mentioned, in which they have been tried, is this, that being for boys, it is necessary to combine elementary with the science teaching; in fact the greater portion of the instruction is, or ought to be, elementary, unless the boys come well prepared.

Now this Department cannot recognize or pay for elementary instruction. If the funds of the school are not sufficient to take charge of the elementary instruction unaided it is very likely to go to the wall. But science cannot prosper at the expense of reading and writing. When the attempt was made some years ago to establish trade schools the rules were perhaps rather lax as to the Department not aiding elementary instruction; in fact, it was not very clearly defined what subjects were to be aided. Now the rules are very stringent. Still I believe, when the industrial classes see the advantages to be gained by it, but not till then, will they send their children to these trade schools for a few years after they leave the elementary school. Through them the teachers will be enabled to earn the aid of this Department. But again, what advantages these schools may offer to tradesmen and that large class who are perhaps the worst off for education for their children of any? By paying higher fees they will do much to keep up the school. And how much better for them the instruction they may then get than what they get now? Is it not ridiculous to prepare a boy for looking after, perhaps eventually superintending machinery, by making him learn the Latin grammar by heart?

As Sidney Smith puts it, "Cicero, in his Offices, tells a whimsical anecdote of Cato the Censor. Somebody asked him what was the best mode of employing capital? He said, to farm good pasture land. What next? To farm middling pasture land. Well, but after that, what the next? To farm bad pasture land. Now, the notions which prevail in England respecting classical learning, seem to me to resemble very much those which the old Roman entertained with regard to his favourite method of cultivation. Is a young man able to spare the time necessary to enable him to pass through the University. Make him a good classical scholar. But a second, instead of residing at the University, must go into business when he leaves school. Make him a tolerable classical scholar. A third has still less time to snatch up knowledge, and is destined for active employment while still a boy. Make him a bad classical scholar. If he does not become a Porson or a Heyne, he may learn to write nonsense verses. If he does not get on to Horace, he may read the first book of Cæsar. If there is not time for such a degree of improvement, he may at least be flogged through that immemorial vestibule of learning, *Quis docet:* who teacheth? *Magister docet:* the master teacheth. Would to heaven that he taught something better worth knowing."

I have given one case of a Science class having been established by a teacher certificated under the provisions of the directory, and that was the chemistry class in the Glasgow Secular School. Several others have been established, viz. in Edinburgh, Gloucester, Banbury, Dedham, Halifax, Huddersfield, London (at the London Mechanics' Institution, Chelsea Athenæum, Barking Athenæum, Lambeth, Poplar, Highgate), Manchester, Slaithwaite, Hollinwood, Painswick, Bristol (a mining school, independent of the Trade school), Haslingden, and other institutions in connexion with the East Lancashire and Cheshire Union of mechanics' institutions, and in classes in connexion with the Miners' Association of Cornwall and Devon. These are independent of the few classes, or schools which were in

existence when the Minute of 2nd June 1859, was passed. There may be many more, I believe, than are, now being established; but the system of non-interference is carried to such a pitch that we only know, by accident as it were, of the existence of a class till it asks to be examined.

Besides Glasgow, which I have already mentioned, the Halifax and Huddersfield classes have been examined, and have been very successful.

It is, I think, a great thing in its favour, that the present system can thus stimulate scientific instruction among the middle classes; stimulate it among the industrial classes and assist them to obtain it, and that, not on one particular plan, but according to the plans that different localities may adopt, comprehending plans so very dissimilar, as the Bristol Diocesan Trade School; the Glasgow Secular School; classes in Mechanics' Institutes, as at Huddersfield; and classes held, as in the institutions in connexion with the East Lancashire and Cheshire Union of Mechanics' Institutes, and the Cornwall and Devon Miners' Associations, in different places but taught by the same teacher. And this could only be attained by confining our attention to and paying on results.

As these classes prosper, as classes and schools are established in the direction which I have indicated, whether poor schools or schools for the middle classes, it is not too much to expect that they will find means, even if Government does not, to send their most promising pupils to complete their education at the School of Mines in Jermyn Street, or other similar institutions where scientific instruction of the highest class may be obtained. We may look forward to a constant supply of highly efficient teachers. To a spread of sound information among all classes of society, and to an increasing application of high scientific knowledge to the various industries of the country, and the establishment of special or technical schools of the nature of the trade schools of the continent.

I have already taken up so much time with the Science classes, that I can say but a few words with respect to the Navigation schools; but having entered so fully on the system of payments on results, which, as you will see from the new Minutes, is also adopted in these schools, there is hardly occasion for more.

Some years ago the officers of the mercantile marine were compelled to pass examinations, conducted by examiners in connexion with the Board of Trade, before they were allowed to take charge of ships as masters and mates. The fees from these examinations amount to a large sum per annum, more, in fact, a good deal than is at present spent in Navigation schools. It was, therefore, considered right, not only as the masters and mates paid so much, but also from the great importance that is rightly given to our Navy, both Royal and Mercantile, that an endeavour should be made to give them sound instruction, not merely to pass the required examination, for that is generally done by mere cram—forgotten as soon as over—but to give them some real insight into and understanding of their work: to educate boys for the sea: and to give sailors an opportunity of improving themselves when on shore.

Many Navigation schools were established at the different ports under this department. As I before stated the system was reorganized in July 1859.

By the Minute then passed, there were four groups or subjects laid down in which the teachers were to take certificates; these are,

—1st, a general acquaintance with mathematics, without having passed, in which no further certificate can count; 2nd. General navigation and nautical astronomy.; 3rd. Knowledge and use of instruments; 4th. Physical geography.

There are nine different grades of certificates depending on the amount of knowledge possessed by the teachers of these groups, and they carry with them certificate allowances varying from 40*l*. to 120*l*. per annum.

The Interpretation Minute lately passed shows how these certificate allowances may be earned. Simply by payments on results, that is, by the master receiving 6*l*., 4*l*., or 2*l*. for every boy he has taught for a year or more, who passes an examination before the Navigation Inspector (on the success in which the amount depends), and, who is finally proved to have been apprenticed on board a merchant vessel or entered on board a man-of-war. And by his receiving 1*l*. for every seaman or mate who, having been taught by him, passes an examination for a higher grade certificate than that he previously held.

To the schools contemplated in the Minute of the 14th July, evening Navigation schools have now been added, as you will see by the new Minute on evening Navigation schools. These are for seaman and apprentices who wish to improve themselves while their vessels are in port, and who cannot attend during the day,

The attainments of the teacher are of course not required to be very high, and the certificate allowances attached to the three grades of certificates—20*l*., 15*l*., and 10*l*.,—are earned by the attendance of a certain number of bonâ fide sailors during the year; that is, the teacher receives 10*s*. per head of the average number attending during 200 evenings in the year. The amount under this head being limited, as in the case of the science certificate allowance, by the value of the certificate. There are also further payments for prizes taken by the pupils, 5*s*., 10*s*., and 1*l*., according to the grade of the prize.

The system is so much like that for Science classes that I need not trouble you further; although the subject of instruction in Navigation Science is of the greatest importance and worthy of all attention, as through such instruction alone can be attained an object we must all have at heart, the retention of the supremacy of the sea in the peaceful, that is, the scientific aspect of that supremacy, by our sailors continuing the first in the world in intellectual attainments, not less than in those other qualities for which they have ever been celebrated.

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THE

DANUBIAN PRINCIPALITIES.

We have the honour to request the very kind attention of the Members of both Houses of Parliament to the accompanying brief Statement, which we think it advisable to lay before them.

N. GOLESCO,
*Vice-President of the Wallachian Divan.**

D. BRATIANO,
Member and Secretary of the Divan.

* The Archbishop being the *ex-officio* President for opening the Divan, that Assembly elected only a Vice-President.

THE DANUBIAN PRINCIPALITIES.

A distinguished Member of the House of Commons, having undertaken of his own accord to call the attention of the Government and of that assembly to the state of the Danubian Principalities, and to the mode in which it is proposed to observe the solemn promises made to the people of those countries in the Congress of Paris, it is here sought to draw up and represent succinctly what is the position, what are the rights, and what the demands, of the Rouman people, in order that Englishmen may see that the last contain nothing exorbitant or unjust—and that these not only are entitled to attention, as the free, spontaneous, and unanimous desire of the Rouman people, but also as offering the best guarantee for the peace and settlement of the countries in that part of Europe.

From the earliest times, the Roumans have formed a race and constituted a nation apart from those which surround them. It is by virtue of

this exclusively national spirit they valiantly resisted Russian and Pole, Austrian and Turk—winning from the most powerful Sultans treaties of recognition and alliance, based upon the real independence of the Rouman, and nominal suzerainty on the part of the Turk. The treaties or capitulations with the Ottoman Porte guaranteed to the Roumans the choice of their own Princes, the conduct of their own Government, the organization and lead of their own armies—which were to defend Turkey against Slavonic attack, and were entitled to demand Turkish aid in repelling all invasion from the North. In recognition of the Sultan's suzerainty, the Principalities paid him tribute; but in return it was stipulated that no Turk was to dwell, much less dominate, beyond the Danube.

These treaties and stipulations in their favour, the Roumans are under no necessity of proving, from the fact of their being admitted, by the Turks themselves, in their Hatti Scherif of 1834; and by Turkey and Europe united, in the Protocols of the Conferences of Vienna and of those of Constantinople. There it was ruled and admitted that Wallachia and Moldavia should continue subject to the Porte, in the manner and on the conditions

laid down in their *ancient capitulations*. Turkey, indeed, during a great portion of the eighteenth century, instead of abiding by the spirit and tenor of these treaties, sought to change Moldo-Wallachia, from a semi-independent ally and a warlike outpost, into a country of disarmed, disaffected, and oppressed taxpayers. The consequence of this exclusively fiscal policy was, that Moldo-Wallachia became frequently occupied, and at last permanently protected, by Russia—which gave them a certain constitution, based apparently upon their old laws and privileges. But at the same time, by means of the double hospodarate, and the corrupt system with which it was irremediably linked, the Russian Consul-General constituted himself the virtual Prefect of the Danubian provinces.

The war put an end to this state of things; and Europe, perceiving the Principalities to be the key—social, political, and strategic—of the south-east of Europe, promised to make a determinate and solid settlement, guaranteeing them against Russian invasion, Turkish misgovernment, and Austrian interference. How best to establish such a settlement, was the first and most pressing question at every conference and in every

assembly of statesmen; nor was the answer less manifest and inevitable than the question, before intrigue and jealousy came to obscure and complicate it. That answer was, Consult the people themselves; find out their complaints, their wants, their desires, as well as rights. Found upon these a Government, which will thus be a national one; and form another Belgium upon the Danube, which shall be neutral, and which, guaranteed by Europe, shall at once present an insuperable barrier to the ambition of the great military empires, and a safeguard of the trade of Europe along the current of its greatest river.

As to the wishes of the Roumans, they were plain enough: THEIR FIRST DESIRE WAS, TO EXIST. Originally a large and compact nation between the Dniester and Danube, they had been sliced, robbed, and reduced—the Bukovin taken from them one day, by Austria; Bessarabia, another, by Russia—and they said, "Let us at least have an end of this, by declaring ourselves to be, and getting Europe to recognize us as, one people." That is the secret of the demand of the union; and Roumania will never believe that, if this union be refused them, it is done with any other view than

that of facilitating their future spoliation and partition. Some English Ministers have pretended that they oppose the union because it would separate Roumania from Turkey; but they ought to know that the separation is maintained solely to please Austria, and to leave open her future prospects of aggrandizement. Under the flimsy pretence of saving the Principalities for Turkey, these politicians are giving them up prospectively to Austria, as the price of its alliance. Such subservience could but turn to the advantage of Russia in the end. The Turks originally were by no means anxious to preserve the Danubian provinces in direct subjection "provided they were neutralized, and rendered efficient barriers against Russia," said Aali Pacha, "we care not what is done with them."* M. De Bourqueney, in March, 1855, declared "the most enlightened councillors of the Sultan favourable to the union, under a Prince native or foreign," and he did not say this without having consulted them.

Austria, however, entertains a very intelligible aversion to seeing Moldo-Wallachia endowed with either *quasi*-independence, nationality, freedom, or even political existence. The allied belligerents

* Ubicini.

came to drive Russia from the Danube. Austria merely looked to substitute her influence and ambition for that of Russia; and whilst Russia adroitly flatters the national desires and Christian aspirations of Levantine races, Austria knows no policy but to thwart and crush them. What suited Austria best was to preserve or resuscitate in the Principalities their old, weak, corrupt, and divided state under the Hospodars. That was Austria's ideal of government for them, and it soon induced Turkish statesmen to hold or to profess the same opinions. One or two of them, perhaps, were persuaded that union required a Prince, and that a Prince would infallibly become a competitor for the throne of Byzantium. The official Turks, in general, were merely influenced by the suppression of that great source of gain and corruption which existed for their individual profit in the Hospodarate.

At length the prosperous events of the war led to the opening of the Congress of Paris. One of the first propositions made therein proceeded from France: it was for the union of the Rouman Principalities. "THE PLENIPOTENTIARY OF GREAT BRITAIN ADHERED TO THIS PROPOSITION, AND SUPPORTED IT, BASING HIS OPINION ESPECIALLY ON

THE "EXPEDIENCY AND NECESSITY OF HONESTLY TAKING INTO CONSIDERATION THE WISHES OF THE PEOPLE." To this the Turks and Austrians replied by what has since been most fully proved to be an utter falsehood, viz., that the union was NOT the desire of the Danubian population. In consequence of the bold assertion, however, it was agreed that a Commission should be appointed to proceed to the Principalities, examine into their state, and prepare the basis of their future organization. The Congress at the same time undertook, at all events, to preserve to the Provinces, under the suzerainty of the Porte, *their privileges and immunities, with an independent and national administration, as well as full liberty of worship, legislation, commerce, and navigation. They were also promised a national armed force for the maintenance of order and the protection of their frontiers;* but, in deference to the Sultan, he was charged, in connection with the Ambassadors at Constantinople, to convoke the Divans. Such were the resolutions of Congress in March, 1856.

The attitude assumed by England, through its Plenipotentiary, during the negotiation, may be judged from the circumstance of Lord Clarendon, on the 8th of the following April, having called the

attention of Congress to the Principalities, "where," his Lordship said, "if the old Hospodars remained in possession of power, it would be in vain to expect any free expression of national desires in the elections." Such, however, were not the sentiments that prevailed at Constantinople, where the Porte, after a close consultation with the British Embassy, named two Caimacams or Governors at Bucharest and Jassy, both hostile to the union, though certainly in unequal degrees; and both receiving the promise of the future hospodarate, provided they succeeded in falsifying the elections and causing union and unionists to be rejected. There are, likewise, but too manifest proofs that the British Government itself, turning its back on its own promises and declaration through Lord Clarendon, gave its full sanction to these anti-unionist intrigues, and lent all its power and influence to the retrograde party, even whilst affecting to await in impartiality the report of its Commissioner.

The Porte, encouraged by England and by Austria, of course flung off all moderation. In a Diplomatic Circular which it sent round soon after the breaking up of the Congress of Paris, it repudiated the name and character of SUZERAIN of the Principalities, to style itself SOVEREIGN, a complete

breach and defiance of the declaration and protocols of Congress. It at the same time broke its promise of allowing a national administration at Bucharest—interfering, by vizirial letters, in matters of internal government and even commercial regulations, cancelling those which it did not favour, and setting at nought the privileges it had but just promised to respect.

At length arrived the period of the elections. In the management of these for an anti-unionist result, the Government of Wallachia showed some moderation, being under the eye of the Commissioners, and, in some degree, of the European public. But in Moldavia, Caimacam Vogorides undertook to frame not merely a majority, but unanimity, against the Union in the Divan, with very little scruple. He drew up the list of electors himself, in concert with the Austrian Consul, and they proceeded by the erasure or omission of every name favourable to the union of the Principalities. The national party, in consequence, refused to attend the elections or to vote; and the consequence was, the return of the few persons in Moldavia who were opposed to the union. Diplomacy then interfered. France at least, and Russia with it, protested against so flagrant a violation of the promises of Congress.

New and open elections were, in consequence, ordered to take place in the two Provinces; and no one could or can express a doubt that the Assemblies which resulted were the fair and full exponents of the sentiments of all classes in the country—clergy, boyards, proprietors, citizens, and peasants, being all separately represented.

The Divans thus chosen in Wallachia and Moldavia met in the month of October, 1857. They held upwards of twenty sittings, which were marked, as well as the preceding elections, by great order and regularity, as more than one English gentleman can testify, who were present at the debates.

The following is the vote of the Wallachian Assembly, which took place unanimously; the chiefs of all parties, including the ex-Hospodar, Stir Bey, not only voting, but speaking, in favour of the resolutions. They demanded—

1. The guarantee of the country's customary and international rights, as laid down in the Capitulations of 1393, 1460, and 1513, concluded between the Roumans and the Suzerain power; moreover, the neutrality of the Wallachian territory.

2. The union of Wallachia and Moldavia in one State and under one Government.

3. An hereditary Prince, chosen from one of the reigning dynasties of Europe; whose heirs, born in the country, shall be educated in its religion.

4. Representative Government, with one Assembly, according to ancient usages, the result of an electoral body large enough to represent all the classes of society.

The following is the vote of the Moldavian Divan, in which there were but two opponents—one of whom, a bishop, had previously adhered to the national cause. All parties in Moldavia equally supported the vote; the Metropolitan, as he gave his, adding the emphatic remark—"Where the flock is, there is to be found the shepherd."

1. Respect of the rights of the Principalities and of their autonomy, according to the Capitulations concluded with the Sublime Porte in 1393, 1460, 1511, and 1634.

2. The union of the Principalities in one State, to be called Roumania.

3. An hereditary Prince, chosen amidst the reigning dynasties of Europe, whose heirs

are to be educated in the religion of the country.

4. Neutrality of the national territory.

5. The legislative power confided to one General Assembly, representing all the interests of the nation; the rights of the country to be under the collective guarantee of the Powers signing the Treaty of Paris.

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SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.

PRIVATE BILL LEGISLATION.

Paper by ALEXANDER PULLING, Esq., read before the Society, on the 21st May, 1855.

IN bringing, on a recent occasion, under the attention of this Society the subject of the Consolidation of the existing Local Laws, I expressed a hope that at no distant period the whole question of Private Bill Legislation would receive the attention it deserves; and the present paper has been prepared with this object.

A more important question of Law Reform can hardly be imagined than that which proposes to deal with the practice of special and private legislation. Attempts to consolidate the general Statute Law must necessarily be futile if a thousand and one exceptions are to be admitted by means of Local and Private Statutes. In vain, indeed, will be all plans for a code, if the practice of legislating for every occasion by private Bills is suffered to remain. In vain will the doctrine be inculcated, that we live under equal laws, if immunities are to be procured, and privileges obtained, by means of an endless variety of Private Acts of Parliament.

Our Private Bill system has with some justice been characterised as a *pernicious enormity;* many ineffectual efforts have been made to rid it of its abuses; but evils of a very serious character are inseparable from the system, and it only remains to consider, whether this system cannot be advantageously abandoned for some other, which, whilst effectually securing the public against improper concessions to

private individuals, should afford the requisite encouragement to private enterprise.

That the present system carries out neither of these objects has long been a matter of complaint. Costly to those immediately engaged, obstructive to the legitimate business of the State, it as little serves to secure a proper investigation of the facts on which special immunities are prayed, as the dispensation of justice to those whose private rights are dealt with.

The practice of Parliamentary Legislation by Private Bill appears to be a comparatively modern innovation. Instances of Private Bills are first found on the Rolls of Parliament in the fourteenth and fifteenth centuries, when, during the long struggle between the partisans of the Houses of York and Lancaster, Parliament consented to lend its aid from time to time in favour of the ruling party to place the lives, the fortunes, the honours and estates of the adherents of those who lost the vantage ground at the disposal of the victors; a solemn statute of the realm dispensing in such an emergency with the trammels, the forms, and the doctrines of law. This beginning of a system essentially bad seems immediately to have led to the practice of *Estate Bills*, which gradually increased in number; so that at the termination of the civil wars of the seventeenth century, Lord Clarendon tells us, Parliament was besieged by applications for special relief to have estates restored, settlements destroyed, and purchases defeated, according to each claimant's view of his own particular case. The adultery of Lady Roos, in 1699, afforded an excuse for the first Divorce Pill, and the establishment of the doctrine, that the power to levy new tolls could only be derived from Parliament, gave rise about the same time to another class of Private Acts which are then occasionally found in the Statute Book, viz., those for authorising roads and other public works, and confirming or altering municipal franchises, &c.

During the first ten years of her present Majesty's reign the number of Local, Personal, and Private Acts passed amounted to 2200, or nearly double the number of the Public General Acts of the same period; and our Statute Book now contains the formidable number of 26,297 Local, Personal,

and Private Acts of Parliament which control, qualify, or dispense with the general law of the land, very few of them dating earlier than the eighteenth century, a very large proportion having received the royal assent in the present reign.

"It has," to borrow the language of the Edinburgh Review, "now become almost impossible to calculate the amount of property, or the number of individuals, locally or personally subjected by so many thousand statutes to exceptive laws: but the Special Acts which relate to railways alone are shown by recent returns to control property to the extent of upwards of 350,000,000*l.* sterling, and to regulate the transit over at least 8000 miles. If the inquiry were extended to the case of turnpikes, towns' improvements, piers, docks, harbours, and other public works, gas, water, insurance, banking, and other companies, regulated by Special Acts of Parliament, it would appear that our modern system of private legislation has created exemptions from the general law of the land, exceeding in point of number, and outweighing in operation, the privileges, liberties, franchises, seignorial rights and exemptions, royal grants and concessions, of the worst period of arbitrary rule and corrupt government.

"It has been reserved to our times to witness the encouragement of evils, which were supposed ages ago to have been put an end to, with the suspending and dispensing authority of the Crown,—with the prerogative vagaries, the exclusive grants,—the arbitrary acts of the Tudors and the Stuarts."

The Reports of the Municipal Corporation Commissioners show that up to the beginning of the eighteenth century there were only fifty-seven Special Acts for the purposes of Local Government throughout England and Wales; but at the time of the Reform of the Municipal Corporations in 1835, these statutes had increased to the number of 700, and at the present moment there are said to be nearly as many in force for the Metropolis alone.

"In the last century, indeed," says the Edinburgh Review, "Parliament established the lax practice of substituting for general regulations an endless variety of Private Acts for each distinct branch of local government. Till a recent

date, Local Courts for the administration of justice existed only under such special concessions; private statutes regulated the support of the poor, of the Church, and the clergy, whilst the same special sanction has almost invariably been required for the formation of public highways, canals, railways, tramroads, bridges, harbours, docks, piers, ferries, &c., the enclosure of waste lands, the protection of river navigation and fisheries, the watching, lighting, paving, and cleansing towns and populous districts, and still more recently the providing cemeteries for the dead.

"No matter how universal the mischief to be redressed, and how numerous the applications for relief, private and special was substituted for 'public and general legislation; and when in our own times the demand for reform has produced general changes and amendments of the law, these private statutes are suffered to remain in force, and to obstruct as far as may be the course of improvement. Science has conferred on our generation the secret of obtaining by artificial means, whenever it is needed, a supply of water, of light, and of motive power, almost without limit, and the engineering skill and commercial enterprise of the age, place these great discoveries at the service of all. Water- and gas-works, canals, railways, telegraph wires, want only a sufficient demand to ensure their ready supply; 'but,' says our restrictive system of legislation, 'skill and enterprise and local demands must remain passive till for each several scheme the solemn sanction, the form, the ceremony, and the expense of a Private Act of Parliament have been obtained; and all must remain in the background who are not sufficiently wealthy and sufficiently influential to obtain this special sanction.'"

The evils of the system of legislation by Private Bills have been often pointed out—bad as the principle is by which the law is allowed to be warped and fashioned on such a variety of special occasions to suit the purposes of private individuals, the abuses which accompany this anomalous procedure afford matter even for still more serious consideration. Were the precautions imposed by the Legislature in the case of private statutes sufficient to prevent any serious infraction of the

great principle of *equal laws* for all,—the mode in which the precautionary inquiries are at present conducted must go far to justify the complaint that our Private Bill system does tend to defeat their object, to cause needless cost and needless trammels upon legitimate enterprise, and to give at the same time too much countenance to the notion that undue influence, personal bias, and even still worse agents, are brought to bear on those who have to make the investigation.

The evils which immediately arise out of our Private Bill system are not only those of a needless waste of public time, hindering the urgent affairs of the commonwealth, and a reckless expenditure of private property, serving at once as an impediment to private enterprise and a protection to unfair monopolies; but the system itself tends to confound the functions of the Legislature with those pertaining only to the judicial office, and directly to encourage jobbing, corruption and malpractice in those whose upright bearing is of national moment.

During the last five years Private Bills appear to have exclusively occupied the time of the average number of 100 Select Committees of the House of Commons; in the Session of 1846, the number sitting daily being seventeen. In the last year, when a far less amount of private business was disposed of, the 197 opposed Bills are shown to have taken up more than 2000 hours of the time of the Legislature in their investigation. "Such a consumption of time," says the Edinburgh Review, "coupled with an ill-concealed disrelish for the subjects and the individuals that consume it, tends to add the testimony of honourable Members themselves to that of the public who are looking on, that a Select Committee on a Private Bill is about the most objectionable tribunal that could be devised for these investigations. Whatever contempt was expressed thirty years ago for Bentham's denunciation of our system of Private Bill Legislation as a waste of valuable time for bad purposes, there are few honourable Members at the present day who act as if they dissented from his opinion. Notwithstanding the suggestion of the late Sir Robert Peel to young Members, to seek in Railway Committees an insight into the duties of Statesmen,

the profitless and unappreciated drudgery of a month's attendance on Group A. B. C. or D., deters any Member from serving who has a direct excuse to justify his absence.

The costliness of litigation before a Parliamentary Committee has in our time become a matter of disagreeable notoriety. *Parliamentary costs* have been bitterly complained of at Railway Meetings; have personally affected not only shareholders in schemes which have been carried out, but the landowners who have been summoned in their own defence; and last, though not least, an unhappy crowd of zealous speculators who as Directors, Provisional Committeemen, and Allottees, have found them an elaborate introduction to still further litigation, disappointment, and ruin. It is hardly necessary to quote figures to prove this; but authentic documents show that the expenses of existing Companies have amounted to millions sterling—a large proportion in the mere endeavour *to keep off competition, e. g.*, the South Eastern Railway Company expended with this object very nearly half a million in nine years. The expenses of the London and Birmingham Railway have been estimated at 650*l.* per mile; of the Great Western, at 1000*l.* a mile; of the Eastern Counties Railway, at 45,190*l.* for 51 miles. The Great Northern Railway Company had to expend 420,620*l.* of their shareholders' property in Parliamentary costs *before a spade was put in the ground.* An unhappy scheme mentioned by Mr. Peto, which went no further than the Standing Orders Committee, created a solicitor's bill of 82,000*l.*; whilst the Worcester and Hereford Railway Company purchased the solemn sanction of the British Legislature for their twenty-nine miles of road, at a cost of 250,000*l.*,—nearly half their proposed capital, and a far greater sum than our cousins in America require for the actual completion of such a railway.

The millions squandered in railway costs before Parliamentary Committees are sometimes apologised for as items of *optional* expenditure by commercial companies—which concern only themselves; but even this kind of apology does not apply to the *general* question of Parliamentary expenses. When we find the bills of costs for Water Bills, Gas Bills,

Public Health, Police, and Local Improvement Bills amounting to thousands sterling, the Hull Dock Acts costing 50,000*l.*, the Liverpool Improvement Acts 100,000*l.*, we see something more than *optional* expenditure, and are made to feel that the bills of costs of parliamentary agents may in some instances be more directly and immediately levied upon the public.

Whilst the useless waste of public time, and the lavish expenditure of private property, afford such serious objections to Parliamentary Committees, another and even more serious objection has been over and over again urged against them, —that the least possible security is afforded to the public that the forms of justice will be regarded,—that the members of these tribunals will not enter on the investigation as retained partisans,—that the advocates and agents, so extravagantly paid for their services, will keep faith with the suitor, and be present to conduct his case. The usage among what are called *Parliamentary practitioners*, appears to be, that these gentlemen may receive an endless list of retainers for the same day and hour, be paid most liberally for each, and favour with their personal attention those for which some more than ordinary inducement presents itself. This appears most distinctly from the Report of the House of Commons Committee on Private Bills in 1847; and it moreover appears from a bill of costs set forth in the Appendix to the same Report, that items are unblushingly inserted for making copies of the list of the members of Committee, and privately attending them each in succession, to prepare their minds for the better discharge of their judicial duties.

I make these charges thus distinctly, because I have seen that, when made in the "Edinburgh Review," they were only met by an anonymous pamphlet of a somewhat vituperative character, recently published by a Parliamentary agent, under the title of "The Public Health Bill, 1855, and the Edinburgh Review on Private Bill Legislation,"—the only excuse for coupling the two subjects together being, that the President of the Board of Health had, in introducing his Bill at the beginning of the Session, quoted the "Edinburgh Review" with some approbation.

The noble and learned President of this Society, himself possessed of no small amount of experience in the duties belonging to judicial tribunals and the practices of Parliamentary Committees, in his resolutions submitted to and carried by the House of Lords in 1846, and recently again laid before Parliament, thus treats the subject I am now describing:—

"While the most trifling question arising between parties on the state of disputed facts, or the application of known laws to these facts, must in this, and, indeed, in every country enjoying the blessings of regular government, come before tribunals qualified by the learning, skill, and experience of the Judges composing them, to deal with such comparatively easy questions, the oftentimes much more important and much more difficult questions raised by the consideration of Private Bills only come before Committees of both Houses, on which professional men hardly ever sit, and which are wholly composed of persons who can have no experience to guide them, inasmuch as each can only sit on one or two cases in the course of a Session.

"That the individual responsibility of the Judges who compose the ordinary tribunals of this and all well-governed States, affords a security eminently necessary for enforcing the due administration of justice, and for giving the community full confidence in their decisions,—a security held to be necessary, although it is much more difficult for a judge, dealing with the known and fixed rules of the Law, to swerve from his duty, and pervert that law to the purposes of injustice, than it is for men who are called upon to decide on the provisions of a Bill professedly creating exceptions to the Law for particular purposes, and arbitrarily dealing with rights according to no known or fixed rules or principles whatsoever.

"That in Committees of the two Houses, and dealing with interests oftentimes incomparably more important than ever came before Courts of Justice, the members, guided by no fixed rules, changed in each case, unknown to the community, not acting in the eyes either of a watchful public or a jealous profession, act almost wholly without any individual respon-

sibility, nor can be prevented, as Judges are, at least in this country, from privately seeing parties, behind each other's backs, and proceeding upon information, and listening to reasons, and yielding to motives of a private and personal nature."

The professed object of private Acts of Parliament is to encourage projects which having been fully investigated are found to need a higher sanction than the order or the judgment of our ordinary tribunals. The apologists of the present system contend that the peculiar subjects of Private Bills are fit for the investigation only of Parliament itself, and that it would be dangerous to entrust to an ordinary tribunal the power of deciding whether the law of the land should in any case be actually altered or dispensed with.

The answer to all this, however, is that Parliament does actually now delegate to a subordinate body the investigation of the merits of applications for Private Bills, and that this produces all the insecurity arising from a subordinate bei[illegible] substituted for a superior sanction, with the additional evil of the investigation being conducted on a far worse principle than is followed in any of our ordinary tribunals.

To preserve the privileges of Parliament unimpaired, Lord Brougham proposes that there should be a Court or Board for the investigation of the merits of Private Bills supplied by the Crown apart from and independent of the High Court of Parliament, the members being removable by joint address of both Houses. His Lordship recommends that the Board or Court thus constituted should consist of five members, so remunerated that the Crown may always obtain the aid of the most respectable members of the legal profession constituting it; and —

15. That each House, upon receiving any Bill, and giving it a first reading, may refer it to the Court before whom parties shall be heard, and which shall have the powers of a Court of Record with respect to oaths, process, and commitment, and the power of deciding all questions of law, subject to the opinion of one of the four Courts in Westminster Hall, in case it shall think fit, and of calling in the aid of a jury on any disputed fact, provided both parties shall agree in

asking such issue, and provided the Court shall think fit to grant it.

16. That each member of the Court shall have power to try all matters, and go through the whole consideration of any Bill, so as aforesaid referred by either House of Parliament, and to reserve, if either party require it, and he think fit, any question for the opinion of the whole Court, three whereof to be a quorum for this purpose, including the referring member of the Court; and that any question being raised on receiving or rejecting evidence, such member may proceed to dispose of it himself, saving, if he think fit, the objection as above provided, for the opinion of the Court.

17. That juries, if an issue be required and allowed as aforesaid, shall be taken from the Special Jury Lists for the County of Middlesex, in such manner, and subject to such challenge, as in matters before the three Courts of Law of Westminster Hall.

18. That each member of the Board or Court shall have the power of giving costs to or against any party at his discretion, and that no review of his order on this matter shall be permitted.

19. That each member of the said Board or Court shall, at his discretion, and with the consent of all parties, issue a commission for the purpose of taking evidence as to any disputed matter of fact involved in any Bill brought before such member, and that the whole expense of such commission shall be defrayed by the parties, under the direction of the member aforesaid.

20. That the Bill, having been fully examined by such Court, or any member thereof, shall be reported to the House of Parliament by which it has been referred, together with such alterations or additions as may have been determined upon as just, fitting, or expedient; and that the said House shall then proceed with the consideration of the Bill so reported, and deal with it as such House shall think fit, either adopting the report, or rejecting it, or varying it, as to the wisdom of the House shall seem meet.

21. That the only stage to be omitted by such House on

passing such reported Bill shall be the Committee and the Report.

22. That if any party shall oppose such reported Bill before either House, it shall be in the power of the House before which such opposition shall be offered, to award the costs of resisting such opposition to be paid by such opposing party to the other party or parties.

23. That it shall be lawful for the Court or Board, by a majority of its members, to make rules and regulations for its proceedings, a copy whereof shall be laid before both Houses of Parliament within one week after their being framed, or, if in vacation time, within one week after the commencement of the ensuing session, and that such rules and regulations shall be deemed and taken to be valid for guiding its proceedings, unless either House of Parliament shall make any resolution against them, or any part thereof which resolution shall be imperative on the said Court Board, and new rules shall be made by it in compliance with such resolution; the new rules to be laid before both Houses, as before, within one week after they are framed; and these new rules shall be valid to regulate the proceedings of the said Court or Board, unless and until a resolution of the other House shall disapprove thereof in whole or in part.

24. That the Court or Board shall have the requisite number of registrars and clerks to assist its members, under the superintendence of the Lords Commissioners of the Treasury.

It must never be forgotten that in passing a Private Act of Parliament the Legislature is either acting in a very arbitrary manner, or it is merely applying certain recognised principles, and acting in pursuance of certain settled rules. This is really the object aimed at in the *Standing Orders* of Parliament relating to Private Bills. If for these Standing Orders there were substituted a body of regulations prescribing the formal course of procedure for each class of applications for special relief or special powers, and the Legislature were by general law to declare that on compliance with these regulations the concession of immunity sought should, *de jure*,

be obtained, Parliament would hardly be abandoning more of its power than it is called on to do at present; but even this need not be done. Let Parliament substitute the preliminary investigation of a properly constituted Court of Justice for a Select Committee, and it would be getting rid of the chief evil of the present system.

This substitution of a Court composed of competent and responsible judges for the Select Committees of the present system would doubtless go a great way to get rid of one of its greatest evils; but it has appeared to me that were such a Court established, far more beneficial changes might be effected than Lord Brougham has proposed.

I would, in lieu of Lord Brougham's plan of leaving untouched all the present procedure in Parliament on Private Bills *except the Committee*, transfer to the New Court the whole jurisdiction and power *except the final sanction.*

I would allow parties seeking the powers now usually conferred by Private Acts to commence proceedings at any time, giving one month's notice of a sufficiently public character; and when the subsequent inquiries had been prosecuted according to the direction of the Court, either in London or the locality, and after full notice to the proper department of the public service, I would reserve only to Parliament the final power of sanctioning or rejecting the Report of the Court.

THE END.

London:
A. and G. A. Spottiswoode,
New-street-Square.

CONSIDERATIONS

ON THE

MILITARY ORGANIZATION

OF

THE BRITISH ARMY:

RESPECTFULLY ADDRESSED TO

THE HONOURABLE THE MEMBERS OF THE HOUSE OF COMMONS.

BY

GENERAL SIR ROBERT GARDINER, K.C.B.,
Royal Artillery.

LONDON:
BYFIELD, HAWKSWORTH, AND CO. 21, CHARING CROSS.
1858.

REFERENCES.

"If our Military Power is to be feared by other nations,
"it must be respected by them. It can never otherwise be
"permanently great or successful. It is notorious, t[illegible]
"heroism of the British Army, is both crippled and [illegible]d
"in the eyes of other nations, by the injudicious restrictive
"measures of that branch of the legislature which controuls
"its numerical strength. This must always be the case, as
"long as the House of Commons assume the initiative in
"military legislation, which constitutionally attaches exclu-
"sively to the Executive Government."—*Address to the
House of Commons, May 2,* 1857.

TO THE HONOURABLE

THE MEMBERS OF THE HOUSE OF COMMONS.

June 18, 18

GENTLEMEN,

No more "damaging and heavy blow" could be levelled against the efficiency, discipline, military character, and spirit of the army, than a legislative affirmation of the motion on military organization, carried by a majority in the House of Commons, in the sitting of the 1st instant:— "That, although the recent consolidation of the "different departments of Ordnance, Commis- "sariat, and Secretary at War, has to a certain "extent improved the general administration of "military affairs, a divided responsibility still "exists; and, that, in order to promote greater "efficiency, the departments of the Horse Guards

Motives of Address

"and War Office, should be placed under the "controul of one responsible Minister."

Such a measure, if carried out, would not cause a mere disruption of the most important connecting links of our Constitution, but it would strike fatally at the very principles of that voluntary dependent feeling which has its [illegible] in loyalty, and is the surest safeguard of the S[illegible]r's devotion to the Throne and State.

Combined voluntary dependency and devoted duty to the State, high principle of loyalty, allegiance, with pride of service, are among the first inceptive feelings that at present animate the British Army. Destroy those feelings, Gentlemen, and you would destroy the chivalry of your army. We should sink to the level of mercenaries, without character to command respect or confidence—perhaps become a just cause of constitutional terror and mistrust,—a power in the hands of some future Cromwell,—a subverter of the freedom of his country, without his talent for administrative controul.

In the course of the debate, many of the evils that would follow as the results of the adoption of the motion, were forcibly and clearly pointed out by authorities of long official experience, and unquestionable judgment; and the honourable mover of the motion in question, unequivocally abjured all sense of the evils predicted from its adoption. But these, from the nature of the measure contemplated, would inevitably follow as its results. Fortunately Members present were few; and it is to be hoped that so limited an attendance manifests a feeling of the House collectively,—that the measure could not pass into law, without consequences fatal alike to the constitutional and military interests of the country.

Deprecatory Appeal

There is one consideration, Gentlemen, among those which I am about to submit to you, to which I feel I cannot advert without first appealing in few words to your indulgence. It is the political and constitutional view in which this measure should be considered, before any bearing it may be supposed to have re-

garding military organization. There can be no question, but that it would create injurious patronage in the administration of the army, and bring that nature of patronage, and ultimately the discipline and efficiency of the army under the controul of the House of Commons,—making the Commander-in-Chief a mere cypher in the Service.

Need I ask you, Gentlemen, what the character of the English Army would sink to, under an influence—I say it with unfeigned respect to your legislative authority—so wholly incompetent to judge of all military requirements—putting discipline and interior economy out of the question?

Under the House of Commons, the controul of the army would sink the nation into a military despotism of the worst order—or, England would be left without an army,—our distant dependencies and home defences unprovided for—and our helpless state inviting home invasion, or remote aggression from other nations.

It is no deterioration of the noble qualities which characterize the army of England, to say that such results would inevitably attend the controul of the army, by any other influence than allegiance to the Sovereign, and patriotic devotion to the State—and I advert to such results as an incentive to nurture and maintain those principles of the army, inviolate—as the highest and most availing influence, which can guard the country from social despotism or foreign aggression.

Character of proposed measure.

The most remarkable feature in the proposed measure was, that it brought under the discussion of the House, military matter of organization, a subject wholly alien to its legislative functions, while the great legislative matter of military responsibility, long imperatively calling for adjustment, was not once alluded to.

Nor does the subject of military organization call for elucidation. We all know in what it consists, and in what points it is deficient in the British Army, and the causes in which those deficiences have their origin. Legislative military

responsibility, the key-stone of State military structure, is what is required—and without which there never can be perfection in the military power of England.

Causes of our imperfect Military System not yet generally understood

It would be difficult to imagine what existing cause there is for the proposed sacrifice of the Commander-in-Chief; or how the administration of the army could be conducted under a sacrifice of the responsibility of his ostensible and indispensable duties. To what substitute could we look, with adequately combined military experience, military judgment, knowledge of all details of interior economy, of practical and scientific theory in peace, and strategy in war, which are the essential qualities of a Commander-in-Chief?

It is a mistake to suppose that the duties of the departments superintended by the Secretary for War and the Commander-in-Chief, are not sufficiently defined. Those authorities thoroughly understand each other—and work on well together for the benefit of the Service, as far as it is possible to do so, under the peculiar and imperfect

system pursued in the English Service. Certainly no misunderstanding between the Minister for War and the Commander-in-Chief need exist—nor if such misunderstanding did exist, would it form the stumbling block of our military system. That is to be traced to other sources. But chiefly, most ostensibly, and most prejudicially to the initiative, legislatively assumed in what relates to the numerical strength of the army;—thus depriving the Executive Government of all freedom of action in military responsibility.

Let me plead here, Gentlemen, as I have before done, to be rightly understood.

This is not to infer that the House of Commons have no constitutional discretionary controul over the naval and military forces of England, but it is to infer in the most unequivocal sense, that whatever may be the military power of England, it can only be adequate, or efficient, under the administrative controul and responsibility of the Executive Government.

The House of Commons have nothing to fear in leaving this responsibility in the power of the State, to which it is essentially delegated. The House of Commons have prerogative rights as representatives of the people constitutionally secured to them, in an appeal to the throne. But Government would become an empty name divested of responsibility. The initiative as to the supposed necessary numerical force, its proper [illegible]tion, spread throughout our vast dependencies [illegible] home defences, are matters falling exclusively under the responsibility of the Executive Government, as the maintenance of the force rests with the representative power of the State. If at any time the House of Commons without just grounds withheld the means of maintaining an adequate army, we should know where the fault rested; and under such contingency we have also constitutional means of correcting their restriction, by an appeal to the people. There is no difficulty unprovided for in the resources of our Constitution, if we deal fairly by it—that is, disinterestedly, impartially, and without regard to political party bias. That is the bane of all

sound or beneficial government. And so fatal is its influence, so subversive of responsibility in government, that after a series of years of more than half a century, I cannot call to mind since Mr. Pitt's administration, a single instance of any Government boldly declaring to the House of Commons the full national requirements whether for peace or war, even on the lowest scale of military calculation by all other nations.

Exemplification of causes of our defective Military System

I have on different occasions endeavoured to demonstrate that the faulty system, inadequate numbers, and want of organization in the British Army, are all inevitable consequences of a legislative influence, which, while it impedes the course of responsible government, entails wasteful expenditure of money to the State, unnecessary sacrifice of life, hazardous success, and augmentation of difficulties in all our military undertakings; and that this influence can alone be corrected by the House of Commons, with whom it has its rise, subjecting the naval and military power of England to the fluctuating injurious results of political party conflict.

Addressed to House of Commons, May 2, 1857, November 21, 1857, January 25, 1858

Among the causes of our military failures, parsimony has been attributed to the House of Commons.

That is a mistake, if parsimony is to be alone associated with pecuniary considerations, for in that sense, the House of Commons can justly and indignantly repel the imputation.

But there are many motives of parsimonious ...ing, and many characters of parsimony—and among them a parsimony, exercised in political party warfare—and bearing far more fatally on the military power of a nation, than millions saved in improvident shortsighted economy in peace, the rebound of which has ever been ruinous extravagance at the outbreak of war.

Political party warfare has even been exercised in attempts to detract from the eminent qualities of our military commanders, and to impede the efficiency of our national armaments.

The comprehensive views of Sir John Moore in Spain, his masterly movements in carrying

his objects attained, his triumphant victory at Corunna, closed with his lamented death, did not escape the malignity and bitter virulence of political party feeling.

In the same way the illustrious Wellington, who first after Sir John Moore's fall fought the army he had formed, was impeded, his views questioned, his supplies and demand for troops slowly doled out, not from parsimony, but the influence of rival political power, from his first brilliant victory at Roleia to his closing battle of the Peninsular war—Toulouse.

His Grace's Despatches, previous to the battle of Waterloo, show how in like manner his demands for means (especially in artillery) were disregarded altogether, or curtailed in their proportions. But though it was through the exercise of constitutional legislative iufluence that his supplies were prejudicially restricted; no one can say that such exercise of constitutional discretion had its rise in *pecuniary* parsimony. It arose then, as before and since, in adverse political

party feeling. This feeling was forgotten for the moment in national triumph; and the sacrifices by which the great European battle was gained by England were lost sight of in its important general results.

I am endeavouring, Gentlemen, in recurring to past times, to afford you evidence of the unwise and fatal policy of subjecting the military power of England to the ever-veering chances attending political rivalry. They are death to all hope of attaining permanent national military efficiency.

Take another instance :—When England was first horror-stricken, and plunged into vain and ineffectual regret, at the sufferings and privations to which a political parsimony had subjected her army in the early days of the Crimean war, the House of Commons would have emptied the Exchequer to have redeemed the faults of a policy which had its disasters solely from a legislative restriction, tantamount to an extinction both of legislative action and military responsibility in the Executive Government.

The only way to arrive at permanent efficiency in the military power of England, consistently with the dignity of the House of Commons, would be to secure the army from the influences of political party strife; that is, carefully guarding the navy and army from being made a means of advancement to official power, and disarming the House of Commons of all real grounds of political jealousy or fear of invasion of their constitutional financial prerogative, by adopting at once neutrality of voting, divested of all political or official party influence on all matters of national military concern, as in "open questions." This would effectually, it is to be hoped, do away with the trammels of party strategy, which now deprive the Executive Government in military affairs of discretional action, and impede the progress to perfection in the military power of England; and it cannot be too often impressed on public attention, that there are no other means whatever, either of conventional understanding or legislative enactment, that could guard the united Services from being made a stepping-stone to official power.

Suggestion
Remedy
Constitutional
means.

I am aware, and it is natural that it should be so, that great and just discontent has existed from a reserve attributed to Government in not bringing before Parliament the actual military requirements of the nation. Successive Governments, right or wrong, have considered it useless and unavailing to do so—believing that a statement of the vast numerical force and amount of cost required to furnish and maintain complete the united Services to the wants of our extensive empire, would not be listened to by the House of Commons. Certainly no Government that I can name, since 1806, has ever made a representation of that nature in its full extent to the House of Commons; and the caution of not doing so has perhaps been alike unfounded and injudicious, influencing the House of Commons to withhold from reserve, what they would have yielded to open explanation.

In the adoption of a general understanding of voting on all matters of military import as in "open questions," it would of course be due to the House of Commons to cast off all nature of

reserve on the part of the Executive Government, and to state openly, broadly, and clearly, the military requirements of the nation. We may disembarrass ourselves of any fear of the consequences of imparting such knowledge to other nations, whether in alliance with, or at war with England. The destitution in some of our home defences, and the numerical inadequacy of our force employed in our remote dependencies, are as well known throughout the war bureaus of Europe as they are to ourselves; and it is to be feared, in some respects, from causes which it might appear invidious to name, better understood.

There are considerations of political character which add further force to the necessity of making all military subjects coming under parliamentary discussion "open questions."

The extension of the parliamentary franchise has naturally resulted in short-lived Governments and incessant changes attendant upon a widely open field to aspirants, individually emulous of arriving at parliamentary influence.

The influences of such fluctuating power must on all occasions more or less shake military organization, and impede permanent efficiency in the united Services, even in their numerical force. This evil would be avoided by making all matters of military discussion "open questions." Under all circumstances, a really disinterested Government, aided in council on points exclusively military by the Commander-in-Chief, would form, and if protected from the conflicting votes of party bias, would be able to maintain a military power, numerically adequate, and efficiently complete to meet all sudden or contemplated exigencies of the country.

General Observations Address to House of Commons, Nov. 21, 1857

In an address formerly submitted to you, Gentlemen, I observed, that a crisis had arrived in the era of England's history, in which our bane and antidote were unmistakeably set before us—the loss of empire, or arming with sufficient means for defending it. That it was no longer with us a matter of option, whether we would maintain a largely-increased army or not, nor

whether we will, or can do it,—but that we must do it.

And on a more recent occasion, in reference to the estimated augmentation of military force for the present year, I observed that we calculated by hundreds, when we should augment by thousands.

Address to House of Commons, March 5, 1858.

Was I wrong, or rash, Gentlemen, in this assertion? Who, with the slightest experience of military service, or comprehension of military matters, will say so? Would 30,000, instead of 3,000, be a man too many to meet our national military requirements? Would 30,000 be sufficiently ample even to provide for our wants in India? our remote outposts? our home defences? An augmentation of 30,000 men would not do so.

But have we really a home ARMY, Gentlemen? Does it exist? Where is it? Where located? How apportioned?

That we have *not* a home army would be the fault of the Executive Government, if the Executive Government possessed either freedom of action or legislative military responsibility; but, from political party influence, virtually, it has neither.

If I might venture to ask the question, I would enquire, What are the contemplations of the House of Commons as to the numbers, composition, or nature of force to be employed in the event of invasion? It is a question of no trifling import, when we reflect that the staple of the English Army is known by all the world to be in India, and otherwise dispersed through our distant dependencies. And not only every Member of the House of Commons, but every Englishman should be brought to reflect, and be satisfied in his own mind, whether we have a home army or not. Neither our national energy, nor physical strength, nor the individual courage of untrained congregated thousands, would avail us in repelling invasion by trained disciplined troops.

In the event of emergency, we look to our Militia and Volunteers.

No officer in Her Majesty's service, entertains a more sincere respect for, and confidence in the zeal and military devotion of the militia of England than myself. I say this from no unfounded impressions, formed without experience of their merits: I have had the honour of serv[illegible] with militia, and during that period, it was i[illegible] riably my grateful duty in all confidential Repo[illegible] to the Commander-in-Chief, to bear testimony to their good conduct and order in quarters—their soldierlike bearing on all ordinary occasions—their steadiness under arms—and correctness of movement in the field; nor could any officer be more proud of going into action with them than myself—and as a means of keeping up the numerical recruitment of the army, or fighting side by side with regular troops under the leading of experienced officers, the militia of England are an invaluable, and would prove an unfailing resource to the nation. But we should remember, that England will never be assailed by any but regular

troops—and they should be met by regular troops as well as by militia.

As to a voluntary armed untrained force, the battle of Zama, by which Carthage fell, should be a warning to England against such illusory calculations of defence. War is a science of application of certain means to an end—and any [illegible] desultory dreaming as dependence on an [illegible]ined force of volunteers, or security from our insular position, would soon be dispelled by the temporary triumph of an enemy on English soil.

In estimating the naval and military power of England, England cannot hope to influence other nations by pursuing any exclusive policy of peace or war of her own. We should not only be guided in our estimation of the existing or growing force of other nations—but give forethought to their possible projected views of its employment, and in anticipation be ever prepared to meet them. It is our fault that we forget or disregard in peace, the requirements of war.

The principle of maintaining peace among nations, enunciated by the Duke of Wellington, was, a strict regard to the honour of other nations—that peace could not permanently exist between nations, if the state of any one nation caused prejudicial or injurious consequences to the others.

We may have to repel or restrain aggression in other nations—but our part in the preservation of the world's peace, is to be prepared at all [illegible]s to maintain our own military independenc[illegible]s assiduously avoiding giving offence, as we should determinedly repel wrong or injury,

In the race now at issue among certain nations for aggrandizement of political and territorial dominion, we can never again reckon on a long protracted peace—but, apart from all considerations of such fortuitous nature, England cannot hope to remain at peace if she withdraws herself, in any instance, so as to take no part in the welfare of the community of nations.

We are too apt to think of England, as she existed a century ago—an island, shut up com-

paratively within its own boundaries and depen dencies, its own resources, and without rivals in commerce, or extension of dominion.

Times, and the relative power and political and commercial position of all nations have alike changed—and a relative power in the military characters of all nations, has changed with the times. Our army has been greatly increased, as has the armies of other nations—but not in relative proportion commensurate with our greatly extended dependencies—or the military power of other nations—nor has the elective constituency of England been sufficiently enlightened and taught to consider their altered position in regard to other nations, and our augmented extent of national dominion. Public education has not touched on this essential point—and Parliamentry teaching has rather tended to blind them to their altered national position, in the beguiling password to elective favour of "military retrenchment." We are thus at disadvantage in the race of nations, which will continue to the world's end.

Pardon me, Gentlemen, for this slight digression from my purpose in addressing you—but whatever tends to enlighten or instruct the nation generally, adds moral force to the military power of England; and we can by no surer means promote the military security of England, than by elevating the character of her army.

To the foregoing observations, Gentlemen, on the military power of England, submitted to you in a humble attempt to shew forth the evils that would fatally affect the military independence of England, should we be inclined to adopt any other means of perfecting military organization in the army, than those constitutionally provided for in the legitimate power of the Executive Government, I beg to add a few words, used by me on a former occasion, and which more than any others I can command point out, that neither legislative, social, or national independence can be permanently ensured, without a rigid guarded equipoise in the working of the respective constitutional powers of the State.

Address to House of Commons, May 2, 1857

"The just balance of legislative and political "power in our Constitution, has hitherto been "deemed its chief strength and permanent "security. As long as that unrivalled political "fabric is left unscathed and unimpared, "England, defended by an adequate and "efficient army, may confidently calculate on "the maintainance of her supremacy in in- "dependence and the wealth of commerce. "But we must religiously preserve the equili- "brium of that Constitution, in which power and "responsibility are so wisely blended, that, if "invaded, or departed from, its vitality must "inevitably be endangered.

"At a time when the nations of the earth "are in a race for political power, the highest "legislative wisdom is that of mature consider- "ation, with purity and disinterestednes of "purpose. If we depart from those sacred "principles, the very liberty we possess will "become the cause of our decline. There is no "wisdom in Government, or permanent stability "of national power, dignity, or greatness, apart

"from public virtue. It is immutably so decreed
"for man's welfare, and the conditions on which
"nations have their rise and fall."

I have the honour to be,

GENTLEMEN,

With profound respect,

Your most humble and obedient Servant,

ROBERT GARDINER.

To the Honourable

THE MEMBERS OF THE HOUSE OF COMMONS.

VESTRY OFFICES,

KENNINGTON GREEN, (S.)

28th April, 1858.

The Vestry of the Parish of St. Mary, Lambeth.

SIR,

By direction of Vestry, I beg to forward the enclosed Report on the effects of Sewage Contamination upon the River Thames, by DR. ODLING, M.B. F.C.S., Officer of Health for Lambeth.

Respectfully soliciting you to peruse such Report,

I remain,

Your obedient Servant,

THOMAS ROFFEY,

Clerk to the Vestry.

REPORT.

*Function of rivers—Nature of putrefaction—River agencies for preventing putrefaction—Vital development—Oxidation—Dilution—Removal by the down-scour—Alleged evidence of river impurity—Foul appearance—Offensive smell—Effect of river emanations upon health—Real evils from present mode of draining the Metropolis—Opinions of chemists and engineers—Conclusion.**

FUNCTION OF RIVERS.—From a consideration of the mode in which our rivers are originally constituted, and their supplies of water unceasingly maintained, it is evident that every great river must form the natural drain of some extensive area. Evaporation is constantly taking place from every surface of water which this earth presents. This evaporated water remains partly dissolved in the atmosphere, partly deposited in the form of clouds, from which clouds and atmospheric moisture our rain-fall and dew-fall are derived. The rain-fall of the hilly districts ever seeking a lower level, ever receiving accessions from the rainfall of lower regions, washes over and through the soil, delving for itself minute channels which unite with one another to form larger channels. Then springs, brooks, streams, and tributary rivers succeed one another, until in the valley of the district, there is formed a huge river, which returns

* This Report is intended only as a popular statement of the question.

the rain water to its original source the sea. Thus, from the sea, into the air, over the earth, and back again to the sea, do we find water ever journeying in its prescribed circle. Now the rain-fall is the great public scavenger. First it cleanses the atmosphere, washing from it many impurities, particularly certain nitrogen compounds, such as ammonia and nitric acid, which result from the decomposition of organic matter. Then it purifies the earth, scouring from its surface, and dissolving from its substance, refuse of every description. Hence we find that the purest river water differs from rain water by the substances it has derived from the soil, while rain water differs from evaporated water by the substances it has derived from the air. Moreover, we find the water of every river has its own specific character, dependent upon the nature of the district from which it has drained.

In common with most large rivers, the Thames is well supplied with variously sized tributaries which empty themselves at different points of its course, from its origin as a distinct river, down to its efflux in the sea. Such, for instance are the Wandle, the Effra, the Fleet, the Ravensbourne, &c. Most of our existing main sewers were originally the natural tributaries of the Thames, each carrying into the main river, the drainage from its own locality. At one time the minor streams and the main river, *though constituted almost entirely of drainage*, did not become offensive. All were fulfilling their natural functions, all were exercising efficiently their natural self-purifying powers. But in course of time, through an increasing density of population, and a consequent disuse of cesspools, the smaller tributaries were no longer capable of maintaining themselves in a wholesome state. The purifying powers, which enabled them to withstand the influx of a certain amount of impurity, were insufficient to destroy the daily

increasing mass of human excreta which mingled with their streams. Hence it became necessary successively to cover in many of these tributaries, to convert them into actual sewers, and to prevent as much as possible the escape of any emanations from them. In these tributaries the quantity of substance to be purified was certainly disproportionate to their purifying powers. Now, we have to inquire whether or not the same relation prevails in the main river, whether its self-purifying powers are sufficient for the purification it is called upon to perform.

NATURE OF PUTREFACTION.—We know that the excreta of animals, the bodies of animals, the tissues of vegetables, and all forms of organic matter that are not in a living state undergo decomposition. This decomposition may proceed slowly and inoffensively, as is the case with woody fibre; or rapidly and offensively, as is the case with most animal tissues; but the decomposition of both animal and vegetable matters is effected by the same means. The changes are in each instance due to the presence of air or oxygen which breaks up the organic matter, unites with certain of its constituents, and ultimately converts them into various simple forms of mineral matter. Now in this process of the conversion of organic into mineral matter, there is one stage, usually known as the putrefactive stage, in which, and in which alone, does the organic matter become obnoxious. The fresh organic matter, living or dead, and the fully oxidised organic matter are alike unobjectionable. Putrefaction occurs only at the intermediate stage of partial oxidation. We know that without air or oxygen, decomposition cannot take place at all. Hermetically sealed canisters of provisions are transported from one part of the world to another, and, after the lapse of many years, remain perfectly sweet and

wholesome, provided the absence of air has been absolutely maintained. With an inadequate supply of air we have the phenomena of putrefaction. The tissues break up into imperfectly oxidised substances which are more or less offensive according to the nature of the tissue from which they were derived. But in the presence of a large excess of air, more particularly of the air contained in earth and water, these imperfectly oxidised and offensive products become completely oxidised and inoffensive. When animal matter decomposes in contact with a sufficient amount of fully oxidised earth or water, the formation and destruction of the offensive products are almost simultaneous.

The organic matter, both of sewer water and of Thames water, may be classified under the following heads. First we have living animal and vegetable organisms of various kinds; then we have dead organic matter in a sufficiently undecomposed state to serve as food for animalculæ; then we have organic matter which is in a semi-oxidised and putrefactive condition, and which cannot furnish food for animalculæ, but must undergo a further oxidation; and lastly we have organic matter that has been so thoroughly oxidised as to be innoxious. Hitherto it has been nearly always assumed that the organic matter of the river, and of water generally, was all of it objectionable, and that the quantity of organic matter in the water was a criterion of its offensiveness. My own experiments have tended largely to show the incorrectness of this assumption. We know that animal life cannot be supported without organic matter; and sea-water, which is so fertile in animal life, I have found to contain habitually a greater amount of organic matter than ever exists in river water. Moreover, the water of the Thames at high [water] almost invariably contains a larger proportion of organic

matter than it does at low tide, which excess is doubtless in part due to contamination with sea water. Again, in the middle of July last, the waters of the London and St. Katherine's Docks, though in a most offensive condition, contained respectively but 6 and 9 grains of dissolved organic matter in a gallon; while several of our Lambeth shallow well waters, that were unexceptionable as to taste, smell, and appearance, yielded me 12, 19, and 25 grains of dissolved organic matter per gallon. Organic matter of itself is not injurious, but under certain conditions it is liable to acquire noxious properties. Under these conditions sea water, river water, and indeed most kinds of natural water alike become offensive.*

The principal agencies by which the putrefaction of sewage in the Thames is prevented, are four in number. First, the development of animal life. Second, oxidation. Third, dilution. Fourth, removal by the down-scour.

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* Referring to the reasons why the sea does not putrify, Dr. Barnes writes: "Whilst it is subject to tidal motion, to agitation by the wind, to the free absorbtion of oxygen favoured by motion, the organic matter it contains does not putrify, whatever the temperature, but is converted into multitudinous living animal and vegetable forms. Precisely the same conditions affect the body of the waters in the Thames, both flood and ebb. Thames water, high or low, never fails to exhibit abundant evidence of the rapid conversion of dissolved organic matter into living forms. So long as the water is subject like the sea to rapid motion by tides, winds, and other influences, I assert from repeated and positive observation that it does not putrify. The constant presence of certain living and growing animals and plants in Thames water is conclusive proof against putrefaction. The process of putrefaction is attended by the evolution of gases that are instantly fatal to the living organisms found in it. The fact, however, is that Thames water, high or low, may, and does, become putrid and pernicious under certain conditions. Under these conditions, namely, stagnation, exposure to air, and increased temperature, sea water itself is not exempt from the change. There are salt marshes, perfectly uncontaminated by sewage, more deadly by far than the Thames is assumed to be. In these, putrefaction and other pernicious changes take place, precisely as they do on the mud banks of the Thames, where acres of deposit largely mixed with organic matter are exposed at low water to the air. This is one source of the foulness of the river. It is not the flowing waters, but the exposed stagnant mud."

VITAL DEVELOPMENT.—The generation of countless forms of animal life, the preying of animals upon animals, is perhaps the greatest and most efficient check upon the process of putrefaction. In nearly every class of animals, from the mammalia downwards, do we find beings whose special work it is to act as scavengers, to thrive upon the semi-putrid carcases and exuviæ which are rejected by more cleanly feeders. But in the lower ranks of animals this function is carried on to its greatest extent. Revelling in the midst of putrefaction, thriving in the sewers, and fattening in the charnel houses, do we find animal life in endless profusion and variety. These animalculæ, however, do not develope themselves from out those portions of organic matter that are already semi-oxidised or decomposed, bnt in the midst of decomposition, they build up their organisms out of the non-decomposed portions, which they as it were rescue from putrefaction. Then, in other conditions or localities, they form the prey of animals of a different grade, which could not have resisted the foul atmosphere in which the original stercorine and carrion forms were generated. We are unable to form any conception of the amount of putrefaction prevented by this wonderful provision of nature in its almost unheeded supply of scavenger animals. It must be remembered that animals of every grade, no matter how-muchsoever they grow or multiply, do not add one iota to the existing quantity of organic matter. It is the peculiar function of the vegetable to convert mineral into organic matter. Animals live entirely upon the organic matter directly or indirectly built up by vegetables. Throughout their lives they are constantly consuming more organic matter than they yield, which excess of organic matter they convert into mineral matter by oxidation; and, at their deaths, they must either furnish food for other animals, or else undergo a more violent

continuance of the oxidation to which they were subjected during their lives, and become entirely converted into innocuous mineral matter.

OXIDATION.—We have just observed that organic matter when it has undergone a certain amount of decomposition, can no longer act as a pabulum for animal existences, but to become innoxious, must undergo a further oxidation, and be resolved into simpler products. Now water has the property of absorbing air or oxygen, and this oxygen has the property of destroying putrid compounds. If water, from which air has been removed, be charged with that foul vapour called hydro-sulphate of ammonia, perhaps the most offensive of all putrefactive products, that water will remain stinking for months, if the access of air be prevented. But if this same stinking water be exposed to the air, it will dissolve the oxygen of the air, and this oxygen will immediately act upon the putrid matter. Then, more oxygen will be absorbed, more putrid matter destroyed, and in twenty-four hours the smell be entirely removed.* It is true that water can take up but a very small quantity of this purifying gas. One hundred gallons of water can only dissolve about three and a half gallons of oxygen, but as fast as the oxygen is consumed, more is absorbed from the inexhaustible reservoir of atmosphere, so that the river may be continuously maintained in an efficient state of oxidation. Moreover, its agitation by winds, tides, and traffic, tends materially to keep it in a fully oxidised condition. As a proof of the oxidising powers of the river, I may state that it always contains nitrates, the most highly oxidised and least

* I do not find this experiment recorded anywhere, but it is one that I have frequently performed

objectionable products of the decomposition of animal matter. Moreover, I have never been able to detect sulphuretted hydrogen in Thames water, though, were it not for the fully oxidised state of the river, this offensive compound would doubtless be given off in considerable quantity.

Dilution.—This is a very important means for neutralizing toxic agencies of every description. We know that the purest atmosphere of the downs, or of the ocean, always contains that deadly poison carbonic acid. But the effects of this poison depend upon its state of concentration. When diluted to a certain extent, its deleterious qualities are not simply diluted in the same proportion, but are absolutely destroyed. An atmosphere containing five per cent of carbonic acid cannot be breathed with impunity. But such an atmosphere diluted with a hundred times its volume of chemically purified air would constitute the purest air that exists in nature. In the same way with poisonous emanations of all kinds. Dilution of substance implies more than dilution of effect—it implies annihilation of effect. It is somewhat difficult to ascertain the amount of dilution which the excreta of London undergo in the sewers and river. We can, however, easily approximate to the average minimum of dilution in the sewers. By a return made to the House of Commons, in July, 1854, it appeared that the London Water Companies, taken as a whole, supplied daily 25 gallons of water per individual. Now, from a very extensive series of data, elaborated with great care by Messrs. Lawes & Gilbert, it appears that the solid and liquid excrements voided daily by every individual contain on the average only two ounces of dried substance, of which one half-ounce is constituted of mineral matter. Whence it follows that if sewer water were of uniform composition, and were derived

solely from the water supply and human excreta, it would contain only 20 grains of organic matter in a gallon.* From analyses made by different chemists we learn that the composition of sewage varies greatly. Sewage from the Earl sewer yielded Messrs. HOFMANN & WITT only 2·7 grains of organic matter per gallon. Mr. WAY found in the sewage of Barrett's Court, 301·8 grains per gallon. I have found in the sewage from Savoy-street, 45·7 grains; in that from the York Road, Lambeth, 48·9 grains, and in that from Broad Street, Lambeth, 77·4 grains of organic matter per gallon. Messrs. HOFMANN & WITT, in their report to the Government referees on the main drainage question, adopted 30 grains per gallon as the average quantity of organic matter contained in London sewage, and their estimate is probably very close to the truth. Now Mr. BAZALGETTE calculates "that the proportion of the sewage at the present time discharged into the river at our very doors, is, as compared with the water of the Thames, at the period of its discharge, as one to fifty." So that at present, when the river contains almost its minimum of water, and receives its maximum of sewage, that sewage increases the amount of organic matter in the river only to the extent of one half grain in a gallon, a quantity that is absolutely ridiculous. This statement, however, applies only to the average result. At some periods the effect of sewage contamination is much less, at some periods much greater, than that above indicated. My experiments,

* The problem for those who advocate, on commercial grounds, the production of solid manure from sewage, is to extract the two ounces of excrement from the twenty-five gallons of water at a profit. I will not say the feat is impossible, though at present we have scarcely any foreshadowings of its realization. But the deodorization of sewage at a certain moderate outlay, is a sanitary problem that has already received a practical solution; and in many parts of the kingdom, this operation will probably be resorted to with advantage.

extending over a period of nearly ten months, shew that Thames water at Greenwich at low tide, when the amount of sewage poured into it is greatest, and the total volume of water least, contains on the average 4·63 grains of organic matter per gallon. The greatest quantity occurred on June 29th when it amounted to 11·2 grains, and the smallest on November 23rd, when it amounted to only 2·1 grains per gallon. However, a large proportion of the organic matter contained in the river, even at low water, is derived, not directly from the sewage at that time discharging into it, but from impurities introduced by the previous upcast flow.

Removal by the down scour.—In reference to the removal of insoluble sewage from the river by means of the ebb tide and freshet, it seems that at high tide the water is nearly stationary, and that during this period a considerable deposition of organic and mineral mud takes place. Very soon, however, the force of the downcast in the middle of the stream becomes sufficient to wash away all deposit, and prevent any further deposition; but in the slack, eddies, and retrogrades the deposition is continued so long as the banks are covered by water. I have found the average quantity of suspended organic matter contained in low water at Greenwich to be 1·3 grains, and in high water to be about two-thirds of that quantity, or 0·89 grains in a gallon. If, however, we take into consideration the greatly increased quantity of water in the river at high tide, it is evident that the total amount of suspended matter in the river, even at Greenwich, is greater at high than at low water; and doubtless the excess is more marked further up in the stream. I am inclined to think, with Mr. Goldsworthy Gurney, that suspended "sewage, if thrown into the Thames, no matter how far down, will be brought up again by the upcast; and, if the retrogrades be not destroyed, it will be

retained in the river." But the causes which prevent the suspended sewage being carried away by the freshet, do not interfere with the efficient disposal of the soluble sewage. The greater part of this sewage, flowing into the river at ebb tide, is even now by the force of the freshet and ebb eventually carried away into the German ocean. The quantity of dissolved organic matter in the river does not undergo a continuous increase. Its amount seems to be regulated chiefly by the season, which of course has a direct influence upon the quantity of freshet, and the force of the down scour. In the summer, the amount of dissolved organic matter increases very considerably, while the force of the scour greatly decreases; but in winter the quantity of organic matter becomes so reduced by the increased scour that its amount per gallon at Greenwich very slightly exceeds its amount per gallon at Ditton. Hence it seems that in the summer season, it would prove advisable to increase the down scour artificially by flushing, as first suggested, I believe, by Mr. FREEBODY. The following analyses illustrate, among other points, the extent to which the river can discharge its dissolved organic matter:—

LOW WATER AT GREENWICH.

Date, 1857.	Hour.	Dissolved organic matter, in grains per gallon.	Dissolved mineral matter, in grains, per gallon.	Rain-fall of previous week, in inches.
October 22nd.	11 A.M.	2·96	32·91	0·19
„ 27th.	1·30 P.M.	5·01	11·01	2·85
November 4th.	10·30 A.M.	2·77	23·28	0·06

The total rainfall between October 7th and October 22nd amounted to less than half an inch. On October 22nd there occurred an enormous rainfall, amounting to 2·57 inches, or one tenth part of the average annual rainfall. Mr. GLASHIER calculated that on that day 20 million tons, or 84 million hogsheads of water fell on the London districts. On October

27th, after the lapse of four and a half days, I found that the amount of saline or mineral matter per gallon, in the low water of the river at Greenwich, had been decreased to one-half the previous quantity, in consequence of the great dilution effected by the rainfall; but, that, despite this enormous dilution, the amount of organic matter per gallon had been nearly doubled, probably from the complete scouring of the sewers, inasmuch as this increase of organic matter was not evidenced in water taken high up in the river. But, on the morning of November 4th, I found that this excess of organic matter had been got rid of, and that the water had resumed its usual character.

Having thus considered the means now in existence for maintaining the purity of the Thames, we come to the question, Are they, or are they not sufficient for the purpose? We have, I believe, no other alleged evidence of the putridity of the river than its constant foul appearance, and its occasional objectionable smell, to which points we will now direct our attention

FOUL APPEARANCE.—The muddy look of the Thames has usually been considered dependent upon the sewage poured into it, and this error was largely propagated by the loose interpretation of certain paragraphs in a letter which Mr. FARADAY published in the *Times* newspaper some two years ago. All chemists and engineers, however, who have examined the matter thoughtfully, are now satisfied that the discharge of sewage has very little direct influence upon the muddy aspect of the river. My own experiments shew that this appearance most certainly does not depend upon the organic matter of sewage, but upon clay and other suspended mineral matter. The excess of suspended mineral matter over the suspended organic matter is greatest at low water, when the river receives its maximum of sewage. The mineral mud suspended in the

river at low water forms seven-eighths of the whole, and the one eighth of organic matter is constituted for the most part of living organisms. Suspended matter, or mud, exists to an equal extent in rivers where the contamination with sewage is infinitessimal as compared with the Thames. Moreover, I have reason to believe that the presence of mineral mud promotes considerably the perfect oxidation of the water.

OFFENSIVE SMELL.—As regards the smell of the river, I believe, from personal examination, and from inquiries of watermen and others, that an offensively-smelling condition of the water of the Thames is an exceptional occurrence. Sometimes there is perceptible on the river, a smell arising solely from a local cause, as when undiluted sewage from some proximate sewer mouth runs for a considerable distance over the exposed river bank. An offensive smell not unfrequently proceeds from the mud banks, and particularly from that bank which receives the direct rays of the sun. But the most potent cause of smell arises from the upcast flow disturbing the foul organic mud, which the sun had previously acted upon. At those periods in the summer, when the river water itself has an objectionable smell, the smell at high water, or rather at the flow of the tide, is much worse than at low water when we have the dilution of the freshet stream. I believe, moreover, that all water when existing in large quantity and in a heated state has a certain characteristic smell. Even the beautifully pure water supplied by the Lambeth Company from Thames Ditton smells perceptibly at a blood heat; and the water of the Crystal Palace fountains was said to be actually offensive during the hot weather. In reference to the smell of the river during the summer drought, Messrs. SIMPSON, GALTON, and BLACKWELL write:—"Our attention, during the last few weeks, has been

particularly called to the state of the river Thames, the noxious smell from which has assumed a great degree of intensity; but this arises not so much from any unusual accession of foul sewage, as from the diminished volume of the stream at the present season, and from the more rapid decomposition of the organic matter, which has been favoured by the very high temperature of the water of the Thames." During this period, every upcast tide dissolved semi-decomposed organic matter from the mud-banks, and the downcast tide was insufficient to carry it away. The proportion per gallon of organic matter in the river water, both ebb and flow, underwent a great increase, owing to the inefficient down-scour Moreover, the river was largely contaminated with sea-water, and there is reason to believe that the presence of putrefying or putrefiable organic matter in sea water is more objectionable even than in river water. The desirability of artificially increasing the scour of the Thames during the summer drought has been before alluded to.

EFFECT OF RIVER EMANATIONS UPON HEALTH. — The alleged unsanitary influences of emanations from the Thames are, I conceive, of a very questionable nature, and at any rate are not proved by evidence. The high mortality of certain metropolitan districts is not directly proportionate to their proximity to the river, but rather inversely proportionate to their facilities for drainage. Thus, Westminster, with a mean elevation of 3 feet, and the Strand, with a mean elevation of 50 feet, are both river-side districts. In the year 1856, the mean death rate of Westminster was 1 in 42·8, that of the Metropolis 1 in 45·8, and that of the Strand 1 in 51·2. In the lowness of its death rate, the Strand ranked sixth among the metropolitan districts, despite its dense population.

During the last three or four years, the amount of sewage

poured into the Thames has increased in an enormous proportion. Therefore, if the fouling of the river does exert any effect upon the public health, this increase of its foulness ought to produce an appreciable effect. On the contrary, we find the death rate and prevalence of epidemic disease in the metropolis to have undergone a marked diminution. Dr. McWILLIAM the accomplished physician to the Custom House, who has the charge of about 800 men, whose general health is found to be excellent despite their regular employment on the river, their night duty on the river, and their great hardships, writes me word, "I have no evidence that the health of tide-waiters is interfered with by emanations from Thames water; I have certainly heard tide-waiters and watermen complain of the bad smell of the docks and river during hot weather, but I am not prepared to say that I have traced disease of any kind to the odour from the water in either place." We have the opinions of Mr. BUSK and Dr. BARNES, the senior surgeon and physician respectively, to the Dreadnought hospital ship. They say that the health of the resident staff is excellent, and that the operation and fever cases, two great tests of salubrity, do remarkably well. Dr. Barnes writes me word: "Medical observation of the health of those who live upon the Thames shows the absence of those diseases which usually denote malaria. Fever is a rare event to originate on the river. Of more than 60 cases admitted on board the Dreadnought during last year, not one could be traced as due to river emanations. They all come from the docks, or from unhealthy ships coming up the river. I have in vain made inquiries to ascertain what disease or form of disease it is that the Thames produces."

DEFECTS OF THE PRESENT METROPOLITAN DRAINAGE.—It seems to me that the following two questions ought to be fully

and fairly considered, before determining upon any main-drainage scheme. First, what are the evils resulting from the discharge of London sewage into the Thames? Secondly, how can these evils be best obviated? I believe the answer to the first question would be as follows. One evil consists in the deposition of organic mud upon the exposed banks of the river, and the disturbance of this mud by the upcast. Another evil consists in the flowing of undiluted sewage, for a considerable distance over the river bank, extending from the sewer mouth to the water's edge at low tide. Lastly, a great evil consists in the tide-locking of many sewers for a greater or less number of hours during the day, whereby the low neighbourhoods repose upon a bed of "elongated cesspools," and are always saturated with the drainings from those cesspools. I know of no other real evils, and I am unable to find any other alleged evils in the writings of those who have paid most attention to the subject, and who from their positions and attainments are best able to judge of it. At the same time a more searching inquiry might not improbably expose additional sources of mischief. As to the question, how are these evils best to be remedied? I am unable to predicate the answer, but I think it would not be, by adopting the main drainage scheme. To divert the sewage from the Thames is undoubtedly a most difficult engineering work, and we can scarcely enough appreciate the labour and intelligence that have been brought to bear upon it. But to prevent the evils which at present arise from the discharge of sewage into the river is altogether a different problem, and one that might be solved by a tithe of that labour and intelligence. To effect this object would, I conceive, require no such ponderous mechanism, no such preposterous expenditure. We should not need a magnificent aqueduct of 20 or 30 miles in length, to cause the rain-fall which nature intended

should swell the riv[illegible] I[illegible]n, to enter the river at Erith. Independently, also of the main-drainage scheme being unnecessarily huge, complex, and expensive, I fear it would not perfectly effect its object. No matter at what point of the river the sewage is discharged, you may rest satisfied that organic mud will still be deposited upon the exposed flat banks of the Thames. The efficient embankment of the river would be needed to render the main-drainage scheme successful, and such efficient embankment would most probably render that scheme unnecessary.

OPINIONS OF CHEMISTS AND ENGINEERS.—Let me adduce some testimony in favour of the opinions I have ventured to express as to the real evils resulting from the discharge of sewage into the river. Mr. BAZALGETTE, in a paper read before the Metropolitan Association of Civil Engineers, writes: "In the public prints the question of the purification of the river Thames has been the one that has absorbed the whole of the discussion. *Now, in reality the pollution of the Thames is a minor evil.** There are vastly more important considerations with respect to the London sewage than the purification of the Thames." And a little further on, in illustration of these evils as manifested in the low lying district of South London: "We can hardly conceive any worse case of drainage than exists in this district; the surface of which is from four to six feet below high water, the sewers of which during storms, are overcharged and saturate the ground, and the mouths of which sewers are closed for eighteen hours out of the twenty-four: The great object of a scheme of interception should be, first to remedy these evils, and then purify the Thames."

Query. * Does not the minor evil entail the major expense?

Dr. BARNES, in a paper read before the British Association, writes: "Many of the sewers discharge into the river in a most objectionable manner. Their contents are disengulphed in large floods; not under the stream water, so as to mingle rapidly, but often high above the level of the river, and spreading over the exposed banks. Passengers on the river, smelling the unmixed outpourings of sewers, and exhalations from mud-banks, conclude they have olfactory evidence of the putrid state of the Thames." Messrs. HOFMANN and WITT report to the Government referees as follows: "We cannot but emphatically insist upon it, that *the formation of the mud deposit in the river* appears to us by far the most serious evil which results from the discharge of the London sewage into the river. We cannot too strongly urge this point upon public attention." Mr. GOLDSWORTHY GURNEY, in a Report to Sir BENJAMIN HALL, writes: "In the Thames and all tidal rivers where there is no room at the sides for slacks and retrogrades to form there is no deposit [of mud.] If the retrogrades be destroyed, the mouths of the sewers trapped, and the sewage gases* burnt, all cause of complaint of the atmosphere about the Houses of Parliament would cease. Then a question would probably arise as to *whether any drainage of London beyond the natural outcast power of the river would ever be required.*" Dr. LETHEBY writes me word: "The real mischief in the river is from the mud banks where insoluble sewage settles and is left by the tide to decompose and blacken." Messrs. GALTON, SIMPSON, and BLACKWELL the Government referees write: "The serious injury which the existing system of drainage has caused to the general health of the inhabitants has been due to the fact of the sewage being ponded back during a portion of every tide."

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* If the discharge of sewage into the river were continuous instead of intermittent, it is doubtful whether there would be any objectionable amount of sewage gases to destroy.

Conclusion.—It [illegible] the sewage diversion scheme is intended to effect two distinct objects: the ostensible one being the purification of the Thames; the important one being the improved drainage of London. With regard to the first object, I am decidedly of opinion that the proposed scheme is unnecessary, and would of itself prove inefficient. Unnecessary, inasmuch as the evils arising from river pollution have been much exaggerated in degree, and, until lately, misunderstood in character. Inefficient, inasmuch as it would not remedy the evils known to arise from the exposed mud banks and defective down-scour. It must be fully admitted that the condition of the Thames during hot weather is often most objectionable, and that some means for remedying this condition are imperatively called for. The ensuing summer will probably convince the most sceptical of the necessity for doing something. At present, indeed, we have no evidence of any ill effects having arisen from Thames emanations, though we can scarcely doubt that sanitary evils would arise if the offensive state of the river were persistent, instead of being, as it really is, exceptional. In my opinion the great cause of smell consists in the disturbance of the sun-acted-upon organic mud by the upcast flow. If all sewers were enabled to empty themselves at high-water, if the flow of undiluted sewage over the banks of the river were prevented, and if the bed and banks of the river were improved so as to prevent the deposition of mud and increase the scour, which if necessary might be still further aided by occasional flushing, I believe that all real evils resulting, or likely to result from the discharge of sewage into the river would be obviated. With regard to the second object—I forbear to express quite so strong an opinion upon the necessity and efficacy of the sewage diversion scheme as a means for improving the drainage of the low lying districts of the metropolis.

I cannot help thinking, however, that if engineers had directed their attention independently to this question, and had not hampered themselves with considerations of Thames dispollution, they would have arrived at an equally efficient and much less expensive plan. But my sole wish in reference to the whole subject is, that a free and open investigation should take place, in order to ascertain what the evils really are, and what is the best mode of preventing them. Hitherto, the ostensible problem involved in main-drainage discussions has been the diversion of sewage from the Thames. I want the real and ostensible problem to be an exact adaptation of means to an end, and that end, the cure of all evils which shall be demonstrated to have a real existence. If, after the investigation of the evils, the sewage interception scheme should be considered the best remedy, which, however, I certainly do not anticipate, let us adopt it by all means, and let it be carried out by the body of gentlemen now charged with its execution, who, despite the sneers of small wits, are known to have conducted the business entrusted to them in a most efficient and upright manner. I should like to see this Board of Works able to exert more independent action. Instead of being called upon to execute a special sewage diversion scheme, I would have them empowered to carry out, after due enquiry, whatever scheme they considered best adapted to remedy the proved evils resulting from the present mode of draining the metropolis into the river.

[illegible] HILL, Printer, Westminster Road, Lambeth.